



PLANNING APPLICATIONS WEEKLY LIST NO.1700
Week Ending 23rd February 2024

NOTE:

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 21st March 2024
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **28th February 2024** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

Note

Do ensure that, if you request a proposal to go before Committee rather than be determined through officer delegation following a Weekly List report, you discuss your planning reasons with Steve Summers Strategic Director. A planning officer will then set out these planning reasons in the report to the Committee.

Index of planning applications: -

- 1. 23/00941/FUL – 12 Meadow Road Hullbridge PAGES 2-9
- 2. 23/00469/FUL - 365 Little Wakering Road Little Wakering PAGES 9-23

Application No :	23/00941/FUL Zoning : Residential
Case Officer	Mr Thomas Byford
Parish :	Hullbridge Parish Council
Ward :	Hullbridge
Location :	12 Meadow Road Hullbridge Essex
Proposal :	Change of use from a residential dwelling to a mixed use as residential dwelling and provision of a room for treatment purposes for chiropractic/healthcare

SITE AND PROPOSAL

1. The application site is located within the southeast part of Hullbridge and occupies the west side corner plot at the junction of Meadow Road and Hilltop Avenue. The existing street scene has little uniformity, though Hullbridge can be characterised in that the dwellings express their individuality by means of widely varying architectural styles and external facing materials. The streetscape within the immediate vicinity of the site reflects this characteristic of Hullbridge.
2. The proposal includes a change of use of the existing residential dwelling, to a mixed use as a residential dwelling and the provision of bedroom 2 on the ground floor for treatment purposes for chiropractic and health care.
3. It is understood that the mixed use of the dwelling has been occurring on the site with a chiropractic clinic operating in an outbuilding on the site. An enforcement case is open regarding this and has led to the submission of this planning application.
4. The planning statement submitted explains that there is no intention of using the outbuilding any further for this chiropractic use and that this would return to a storage use. It is proposed that bedroom 2 is to be dual purpose for visitors staying and also for chiropractic purposes.
5. The proposed opening hours are 9am to 9pm Monday to Saturday. It is stated that the room proposed does not provide enough space for multiple patients and the use would consist of one client at a time with no reception staff required for the use. It is stated however that the applicant would like to utilise local health professionals on a self-employed basis.
6. The site comprises a large area of hardstanding to the site frontage, along with additional access from Hilltop Avenue which provided further off-street parking at the site.

RELEVANT PLANNING HISTORY

7. Application No. 88/01185/FUL - TWO STOREY SIDE EXTENSION AND PORCH TO SIDE – Permitted.

Application No. 22/00799/FUL - Proposed self-contained annex, and first floor side dormer extension – Permitted.

MATERIAL PLANNING CONSIDERATIONS

8. The National Planning Policy Framework [NPPF], Section 6 outlines that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
9. Section 6 of the NPPF also sets out that Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
10. In this case, the application site is not located in a rural area, but a residential area; however, its benefits to the wider community in nearby rural areas would help provide further small, local and beneficial businesses to the district. In this case, this is an existing business which was previously located in Rayleigh.
11. Section 11 of the Council's Core Strategy (2011) discusses economic development objectives of the district. Within this section the document states the district is entrepreneurial in character, and small and medium sized businesses contribute significantly to the area's employment and economy. The Council supports the protection and enhancement of small and medium sized businesses, both within the existing industrial estates and town centres and those existing enterprises in rural locations, which are important to the local economy. The Council also

acknowledges the important role that home-working can play in the local economy through retaining employment opportunities within the district, and the development of the Third Sector through enhancing local volunteering opportunities as encouraged in the Sustainable Community Strategy.

12. Policy DM33 of the Council's Development Management Plan (2014) states that proposals for uses operating businesses from dwellings, which will require planning permission will be supported provided that the use:

- (i) remains linked to the residential use, and residential remains the primary use;
- (ii) will not result in a residential dwelling that fails to meet the floorspace standards set out in Policy DM4;
- (iii) will not have a significant adverse effect on residential amenity;
- (iv) will not have a detrimental effect upon the visual character of the surrounding residential area; and
- (v) will not create on street parking or unacceptable highway problems.

Impact on Character and Residential Amenity

13. The business is proposed to operate from bedroom 2 of the dwellinghouse only and therefore the business would firmly remain linked to the residential use with the residential use being the primary use on the site.
14. Although the proposal does explain that bedroom 2 would remain a dual purpose for visitors and also for clients to the business, the dwelling must meet the floorspace requirements explained in Policy DM4 excluding the use of this bedroom, since it is unlikely that a reasonable condition relating to the dual purpose can be placed on any consent. It is therefore considered that the dwelling would need to meet the floor space standards from Policy DM4 without the use of bedroom 2.
15. Policy DM4, states that dwellings should have a well-designed, planned useable layout, suitable for modern living and stipulates that a 4-bedroom house would require 106m² of internal floor area. The dwelling would have an internal floor area of approximately 137m² excluding bedroom 2 the subject of this application and therefore the proposal would comply with Policy DM4 in this regard.
16. Part (iii) of Policy DM4 explains that proposals should not have a significant adverse effect on residential amenity. The business use would be sited within the existing dwelling, with no further extension of the dwellinghouse required for this use. There are therefore no overshadowing or overlooking concerns that would be amplified with the proposed mixed use. Concern has been raised by both a neighbour and the Parish Council regarding noise caused by the coming and

going of visitors and clients into the late evening which would disturb the existing peaceful ambience of the area. It is not considered in this case that the use itself would generate any additional unreasonable noise or harm to residential amenity due to its nature, and the coming and going of cars is not considered significantly detrimental during the day time taking into account the number of clients that could be seen at a time. Car activity would generally be acceptable on a residential road such as this in terms of noise, however it is considered that the hours proposed (9000 – 2100 Monday to Saturday) in the supporting statement have not been adequately justified taking into account this is a residential area. Desktop based research has been undertaken and it cannot be seen that there are other Chiropractic services in the area that are open until 9pm, especially in a residential area such as this. In this case, alternative hours will be conditioned with any granting of planning consent so that any disturbance that may occur is limited in line with what neighbours ought to reasonably expect in this setting. Therefore, any planning approval will be conditioned that opening hours are to be from 9am to 7pm – Monday to Saturday. It is considered that the applicants supporting statement which explains a requirement for flexibility is not one that can be conditioned in any way and to reasonably safeguard impacts on neighbours. Necessary conditions will therefore be imposed so that only the applicant may offer chiropractic services at the site and not any other healthcare professionals or otherwise. Any increase of those accessing the site may have negative impacts on highway matters which will be discussed later in this report.

17. The business would operate from the existing dwelling and although there may be some increase in the number of cars visiting the site throughout the day, this is not considered to be so significant to have a detrimental effect upon the visual character of the surrounding residential area, taking into account the business use parking which can be accommodated on the site which will be discussed below.
18. The site currently comprises hardstanding to the front spanning some 14.5m wide and approximately 6.0m in depth. The dwellinghouse is a 4-bedroomed dwellinghouse and this would only require two parking bays meeting the 5.5m deep x 2.9m wide requirement. This existing area is therefore considered large enough for at least two off-street parking bays for the dwellinghouse which would meet the current standard for dwellinghouses of this size and also at least one additional parking bay reasonable for the business use. It is noted that there is also additional parking on the site at the garden end accessed from Hilltop Avenue. The parking situation on the site is considered suitable taking into account the fact that only one customer would be visiting the site at a time and it is considered reasonable to condition the retention of one of the spaces on the existing hardstanding to be used only for the parking of vehicles by customers of the business to prevent any unnecessary on street parking which could be of detriment to highway safety. It is noted that although the site includes an annex, with this

considered incidental, the annex should be using the existing parking on the site, with this not a separate dwelling and therefore not having its own parking requirement.

19. Essex County Highways Authority have been consulted on the scheme and have concluded that with the site including multiple off-street parking spaces on the site frontage and the existing access off Hilltop Avenue which offers additional off-street parking, the High Authority have no objection to the proposal. The proposal therefore would not create any further parking demand or need and it would therefore not create on street parking or unacceptable highway safety issues, with the necessary conditions included on any granting of planning consent. It is noted that any potential increase of traffic movements to the site such as other staff or self-employed healthcare professionals visiting the site or more than one customer at a time may have significant impacts on highway safety. It is therefore considered necessary to condition the use of the business to limit those accessing the business at one time and ensure that the site can accommodate parking for those associated with the business including customers.

20. Although the objections received to the proposal are acknowledged by the Local Planning Authority, it is not considered that there are sufficient grounds to refuse the proposal, taking into account the compliance of the proposal with Policy DM4 of the Rochford Council Development Management Plan and the NPPF.

CONCLUSION

21. APPROVE subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hullbridge Parish Council:

Given local knowledge, Hullbridge Parish Council object on the grounds of impracticability; the negative impact the proposal would have to neighbours and local residents. The trading hours are excessive for a residential area (9am to 9pm), the coming and going of visitors/clients into the late evening would disrupt the residential amenity of neighbours and present a negative impact on the character of the locality. Further there is no adequate parking for visitors/clients at the Applicant's address, resulting in visitors/clients parking in the adjacent Hilltop Avenue and/or the adopted part of Meadow Road. The applicants address lies in the unadopted part of Meadow Road where there is only room for single way traffic and as such has no facility for off street parking. We feel the excessive and long trading hours would have a detrimental impact on neighbouring properties. Hullbridge Parish Council also have concerns that this proposal would set an unacceptable precedent in the locality. We would be prepared to revisit this application if the parking arrangements be addressed and the trading hours amended.

Essex County Highways Authority:

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal includes multiple off-street parking spaces on the site frontage. Off-street parking is also available via the retained vehicle access on Hilltop Avenue; therefore, the Highway Authority has no objections to the proposal. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority as it is not contrary to Development Management policies'

Neighbour representations:

One response has been received from the following address:

Hilltop Avenue: 70.

The objection is summarise below:-

- Concerns regarding the change of use and that it would adversely affect the residential character of the neighbourhood and disrupt the peaceful ambiance of the area.
- The opening hours are extensive and could therefore lead to 144 patients a week if at full capacity.
- The proposed mixed use would lead to an increase in traffic.

It is noted that a signed letter was also submitted with the application in support of the proposal from 27 residents of various addresses, (some outside of the district) along with a further letter from 1 Parkway Rayleigh. The addresses of those in support are given below:

3 Waters Grove Great Wakering, 6 Kilnwood Ave Hockley, 52 Rectory Road Rochford, 19 Solby Wood Benfleet, 23 Oakfield Road Benfleet, 1 Coastguard Cottages Mill End Bradwell-On-Sea, 53 Roggell Road Canvey Island, 7 Rumbullion Drive Billericay, 27 Queens Road Laindon, Sunnyholme Mayland, 69 Latchingdon Road Cold Norton, 9 Longhams Drive Chelmsford, 7 Nelson Close Rayleigh, 35 Chandry Crescent Stanford-Le-Hope, 23 Eastwood Road Leigh on Sea, 2 The Firs Canvey Island, 1 Riverview Gardens, 72 Keswick Ave SS5 6JN, 32 Waxwell Road SS5 6HF, 211 Ferry Road SS5 6JY, 29 Hillcrest Avenue SS5 6DB, 18 Wyburns Avenue Rayleigh, 1 Parkway Rayleigh

The comments from the signed letter of support are summarised below:-

- The continuation of the practice from the applicant's home would be of great benefit to many residents of the local community.

- We find it hard to believe that the operation of the clinic in the above locality would cause any disturbance to neighbouring properties.

Relevant Development Plan Policies:

National Planning Policy Framework December 2023

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014)

Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010)

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide

RECOMMENDATION: APPROVE

Conditions:

- 1 The change of use hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The Chiropractic/healthcare use contained within the existing dwelling shall not be operational/open for business outside of the following times:- 0900-1900 Monday to Saturday and at no other time.

REASON: To enable the Local Planning Authority to retain adequate control over such hours in the interest of the residential character and amenity of the area and the amenity of adjoining occupiers.

- 3 Prior to first use of the Chiropractic/healthcare clinic, provision shall be made within the curtilage of the site for one off-street parking space meeting the 5.5m in length and 2.9m in width requirement. This space is to be allocated for customer use only, indicated as such and retained in perpetuity for the duration of the use approved.

REASON: To ensure the proposal complies with Policy DM4 of the Rochford District Council Development Management Plan, and that suitable off-street parking can be accommodated on the site, in the interest highway safety.

- 4 The use of the business hereby approved, shall be limited to one customer or client at a time. The applicant shall ensure that there is a session structure which allows a 10-minute gap between a session ending and the next session starting.

REASON: To ensure the proposal complies with Policy DM4 of the Rochford District Council Development Management Plan, and that suitable off-street parking can be accommodated on the site, in the interest highway safety.

- 5 The use of the business hereby approved, shall be limited to that of bedroom 2 only as labelled on the approved plans, and at no time shall other parts of the dwellinghouse be used for that use.

REASON: To ensure compliance with Policy DM4 in order for the dwellinghouse use to retain the necessary resultant internal floor area.

- 6 The operation of Chiropractic services hereby approved on the site, shall be undertaken only by the applicant (Mrs Fiona Othen) and by no other persons.

REASON: To ensure the proposal complies with Policy DM4 of the Rochford District Council Development Management Plan, and that suitable off-street parking can be accommodated on the site, in the interest highway safety and to control the use of the business in the interest of the character and amenity of the area.

The local Ward Members for the above application are Cllr. M. Hoy, Cllr. S. A. Wilson and Cllr. Mrs. T. D. Knight.

Application No :	23/00469/FUL Zoning : No allocation
Case Officer	Mrs Elizabeth Milne
Parish :	Barling Magna Parish Council
Ward :	Foulness And The Wakerings
Location :	365 Little Wakering Road Little Wakering Essex
Proposal :	Change of use of 365 Little Wakering Road from Use Class C3 to C2 3-bedroom care accommodation, and a new rear extension with some external modifications and associated works.

SITE AND PROPOSAL

1. The application site is located on the western side of Little Wakering Road within the settlement limits of Little Wakering. The property is a single storey detached dwellinghouse constructed of facing brick and is partially rendered under a tiled roof. The property is set back from the

road with an extensive area of hardstanding located at the frontage, which can accommodate several vehicles.

2. The proposal is for the change of use of the existing dwellinghouse (Class C3) to a three bedroomed care accommodation (Class C2) and a new rear extension with some external modifications and associated works.
3. It is noted that the following element of the proposal: the 'proposed rear extension with external modifications and associated works' relates to the rear extension with external modifications and associated works as approved in application 23/00125/FUL, however it was included within this current application as application 23/00125/FUL had not been determined at the time of this submission. Therefore, the principle of the rear extension has been approved by way of the previous application and is not considered in this report.
4. The existing building is a three bedroomed single storey dwellinghouse comprising some 133.75 sqm Gross Internal Area (GIA) of Use Class C3 (dwellinghouse) floorspace, all of which is proposed to be changed to Use Class C2 (assisted living). The proposal would provide assisted living residence for people with learning disabilities or mental health needs.

RELEVANT PLANNING HISTORY

5. Application No. 23/00125/FUL. New rear extension with some external modifications and associated works. Approved 21.04.23.

MATERIAL PLANNING CONSIDERATIONS

6. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
7. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).
8. Paragraph 63 of the National Planning Policy Framework (NPPF) states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people, (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families;

travellers; people who rent their homes and people wishing to commission or build their own homes.

9. This is reflected in Policy H5 of the Rochford District Council Core Strategy, Dwelling Types, which states that new developments must contain a mix of dwelling types to ensure they cater for all people within the community, whatever their housing needs. The proposed change of use from C3 (dwellinghouse) to C2 (assisted living) would result in an alternative dwelling type which would meet the needs of people with learning disabilities or mental health needs. The proposal would therefore be considered acceptable in principle.
10. Comments have also been received in objection to the application which relate to the loss of a family home type residential property from the housing stock. National Planning Practice Guidance confirms that when calculating housing land supply, that Local Authorities will need to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply. It is therefore not considered that the proposal would lead to a significant loss of housing by way of the proposed change of use but would instead provide for a more varied mix of housing stock as stated in paragraph 9 above.

Impact on Character

11. The application site is located on the western side of Little Wakering Road within the settlement limits of Little Wakering. The host property is a single storey detached dwellinghouse which is constructed out of facing brick and is partially rendered under a tiled roof. Located on the front of the property are a set of bay windows and a porch. The property is set well back from the road with an extensive area of hardstanding located at the frontage, which can accommodate several vehicles.

Impact on Residential Amenity

12. Paragraph 135 (f) of the NPPF seeks to 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. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings.
13. Whilst this application includes the 'proposed rear extension with external modifications and associated works' in the description, as stated in paragraph 3 of this report this relates to the rear extension with external modifications and associated works as approved in application 23/00125/FUL, however it was included within this current application as application 23/00125/FUL had not been determined at

the time of this submission. There are therefore no external works proposed in this application which would be considered to give rise to a loss of residential amenity.

14. As concluded in 23/00125/FUL, the proposal, by reason of its scale, depth, height, bulk, and siting is considered acceptable and not to have any significant detrimental impact upon the residential amenities of other properties in the locality in terms of overlooking, overshadowing, and over dominance.
15. Comments have been received during the consultation process in relation to the impact on residential amenity by way of noise from the occupiers of the proposed accommodation and resulting from the staff and associated activities relating to the running of this assisted living care facility. It is noted that many comments received relate to the neighbouring property, Little Waking House, which is an assisted living facility which is also run by the applicant.
16. The agent for this application has since responded to these comments to state that since Little Waking House has been in operation from 2010. The applicant has not received any communication from the Council in relation to nuisance or noise disturbances. They state that ambulances and police have needed to attend the property however this was on rare occasions and only when absolutely necessary. They have also received letters of support from families of individuals living at Little Waking House which state the quality of the service provided by Little Waking House. The agent has stated that it has a Care Quality Commission rating of 'Good' and that when audited by Essex Social Services in January 2023 it was concluded that the property ran a good/excellent service. The agent has also confirmed that the proposal is not intended to increase the capacity at Little Waking House but to operate as a separate assisted living residence, operating under an independent CQC registration.
17. In relation to comments referring to noise disruption from staff changeovers, it has been stated by the applicant that these take place at approximately 8am and 8pm. Whilst it is acknowledged that the additional vehicle movements associated with this may cause some disruption, the proposal states that two members of staff would be on the site at any given time and therefore the total number of vehicle movements would not be expected to give rise to excessive disruption.
18. Therefore, it is considered that the proposal is compliant with policy DM1 of the Development Management Plan.

Garden Sizes

19. The NPPF seeks the creation of 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.

20. The Council's SPD2 (3) requires the provision of a minimum useable private garden area for new dwellings of 100m². The proposal is for a change of use of a three bedroomed dwelling to a three bedroomed assisted living accommodation and it is necessary to ensure that the proposal would allow sufficient garden area for the amenity of existing and future users.
21. The garden area measures some 110 sq metres and is therefore considered acceptable and would comply with SPD2 in this regard.

Refuse and Waste Storage

22. The property has a large driveway which could accommodate the refuse and waste storage in addition to the parking spaces provided for staff and visitors. A timber pre-fabricated bin store is proposed to house one recycling and one general waste bin within the curtilage of the property alongside the boundary with the existing care home. This is shown on drawing No. 23/01/SK01. The applicant has confirmed that they will enter into a collection agreement with a private waste contractor.

Sustainability

23. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
24. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.
25. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015. The proposed change of use would result in a new form of accommodation and it is considered appropriate to assess this in the same manner. The assessment has been carried out based on three residents and two members of staff.
26. A three-bedroomed, 5-person single storey dwelling would require a minimum Gross Internal Area (GIA) of 86m² with 2.5 square metres of built in storage. The proposed three bedroomed bungalow would have

a GIA of some 133.75m² and would therefore far exceed the GIA required, however this also takes into account a staff room and office measuring some 9.5 square metres. Adequate built in storage would also be provided. The proposal is considered acceptable in this regard.

Highway Safety

27. The Parking Standards Design and Good Practice guide (2010) states that for a C2 residential care home use, one space per full time equivalent staff and one visitor space per three beds would be required. The parking plan submitted includes provision for four parking spaces; one measuring 3.9m by 5.5m and three measuring 2.9m by 5m.
28. In order for the proposed spaces to be accessed, the existing in/out vehicle accesses would need to be altered to create a continuous dropped kerb vehicle access across the site frontage. An appropriately worded condition has been included in order to address this.
29. The proposed parking would be considered acceptable.

Flood Risk

30. The application site outlined in red on the submitted location plan is identified as being located within flood zone 3. Flood Zone 3 is categorised into zones (a) and (b), with zone (a) comprising land as having been assessed as having a 1 to 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. Flood Zone 3b – the functional floodplain comprises land where water has to flow to be stored in times of flood.
31. As the whole site is located in flood zone 3, the building proposed for conversion falls within this flood zone.
32. National planning policy relating to flood risk must be considered in the determination of this application. Paragraph 173 is of key importance and is set out in full below; this requires that;
- 173. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (subject to footnote 59).*
33. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
34. A site-specific flood risk assessment would be required for this application as footnote 59 in the NPPF relating to para. 173 requires that these are submitted with any application in flood zones 2 and 3.
35. The proposed development would relate to a site at risk of flooding and should only therefore be allowed if the above-mentioned criteria (a) to (e) of paragraph 173 would be satisfied. Firstly, however it must be established whether the sequential and/or exception tests would need to be applied and met, the sequential test seeks to site development in areas of lowest flood risk first.
36. Para. 174 sets out that applications for some minor development and changes of use (subject to footnote 60) should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 59.
37. Footnote 60 identifies that householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, should not be subject to the sequential and exception tests.
38. This application is for a change of use which is not for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site and the sequential and exception tests would not therefore need to be applied.
39. The proposal description includes reference to an extension, but this is actually already under construction at the site having been granted planning permission under application 23/00125/FUL albeit for use as part of the existing use of the site as a single dwellinghouse. The proposal now seeks to incorporate the extension into the proposed use of the site for C2 Use. The extension would not exceed 250 square metres and it is therefore considered that whether considered as just a

change of use application or an application for the extension and change of use, the proposal would not be required to pass the sequential or exception tests.

40. According to the planning practice guidance flood risk vulnerability classification the proposed use as a care home would be a more vulnerable use. The existing use as a dwellinghouse is also classed as a more vulnerable use. Although the flood risk vulnerability table and flood zone 'incompatibility' table contained in the planning practice guidance suggests that a more vulnerable use would be required to pass the exception test in flood zone 3 this is only where the proposal would relate to a new building and not where the proposal would relate to a change of use.
41. Whilst the proposal would not be required to pass the sequential or exception tests, paragraphs 173 and 174 require nevertheless that the proposal meet the requirements for site-specific flood risk assessment and satisfy parts (a) to (e) of paragraph 173.
42. The applicant has submitted a site-specific flood risk assessment and whether all of parts (a) to (e) would be satisfied is considered below. The Environment Agency have provided a consultation response in relation to the proposal which has been taken into account in the consideration as to whether the proposal would satisfy parts (a) to (e).
 - a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
43. The proposed care home would occupy the existing building and the whole site is subject to the classification of flood zone 3 which means that there is no possibility of providing the development on the site in an area of lower flood risk.
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
44. Planning practice guidance provides advice to local authorities as to the requirements of a flood risk assessment for development in flood zone 31 and this includes advice relating to appropriate flood resilience and resistance measures.
45. The site-specific FRA details that to minimise the impact of flooding during extreme flood events/residual events, the following flood resistance and resilience measures should be applied where practical:

- Raise electronic control units and sockets;
- Use solid flooring (tiled, resin, concrete) at ground floor level;
- Install smart air bricks or air brick covers;
- Install flood guards to all doors;
- Seal cable entry points; and
- Store any equipment sensitive to flood damage at a high level.

46. The development would therefore be considered appropriately flood resistant and resilient in respect of part (b).

- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

The proposal does not incorporate sustainable drainage systems, however the consultation response provided by the Development and Flood Risk Officer at Essex County Council states that the development does not pose a significant flood risk and there is little opportunity to deliver new SuDS features.

- d) any residual risk can be safely managed; and

The Flood Risk Assessment states that as the probability of a 1 in 1000 year flood event occurring is 0.1% in any given year, the probability is low and, therefore, no further mitigation beyond what is proposed is required. It also states that the residual risk to people working within the Site can be managed through the implementation of an appropriate Site management plan, which recognises the residual risks and details what action is to be taken by staff in the event of a flood to put occupants in a place of safety.

- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

A Flood Warning and Emergency Plan has been submitted as part of this application which demonstrates that access and egress can be safely achieved without placing Site users at risk.

It is considered that the submitted site specific FRA demonstrates that parts (a) to (e) of paragraph 173 of the NPPF would be met and the proposal would therefore be considered acceptable in relation to flood risk policy.

CONCLUSION

The proposed development is considered to be acceptable in the locality and in accordance with local and national policy.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Barling Magna Parish Council: Objection.

- Overdevelopment of site
- Not able to leave the site in forward gear
- Loss of a residential family property
- Insufficient parking
- Overlooking to neighbours

Neighbour representations:

14 responses have been received from the following addresses:

Little Waking Road: 181, 324 (2 letters) 330, 336, 340, 342 (2 letters) 363(2 letters) 371(3 letters).

Anonymous: 1.

And which in the main make the following comments and objections:

- Works began prior to obtaining planning permission.
- Extension to commercial business next door, it will increase the capacity of Little Waking House.
- In extending the use of the property will require additional staff for the additional residents and visitors.
- Increase in disruption from noise from the occupants.
- Anti social noise/behaviour late night/early morning from cars/vans, staff.
- Noise from staff during the night
- Little Waking Road is narrow and suffers from a lack of parking.
- Inadequate parking at Little Waking House.
- Staff cars blocking visibility.
- Removal of residential property from the housing stock.
- Over development.
- Insufficient drainage.
- Impact on bats.
- Little Waking House stores bins outside of their curtilage.
- Expansion of existing business.
- Proposed bedrooms may be used for staff or patients and will increase the capacity of LWH.
- Disruption from 24/7 use of LWH/ staff changeovers in early hours.
- This is a residential area not a commercial zone.
- Lack of Flood Risk Assessment.
- Over development – expansion of existing C2 business.
- Loss of privacy/overlooking.
- Concern regarding safety of neighbours.
- During one of the recent complaints directed to the manager of LWH the subject of their purchase of 365 LWR was raised. The manager was quite categoric in stating that 365 LWR was to be used for storage and parking only, his direct response to the question about whether 365 LWR would be used as another care home, was that it would not happen.

5 replies have been received from the following addresses:

Church Road; One unaddressed response received.
High Street; 216.
Coronation Close; 65.
No address: 2.

And which make the following comments in support

- There is a shortage of care homes for people with learning difficulties
- Little Wakering House is extremely well run
- With the closure of Barling Lodge even less facilities exist for vulnerable people
- Having a small care home next to a well run care home that is rated Good with CQC would be beneficial
- it will be a significant help to ease the shortage of places in the community for vulnerable people to live and be cared for .
- We have always welcomed the residents in our pub, they are always polite
- Just because people are vulnerable, doesn't mean they should be excluded from living in a nice property. I fully support 365 little wakering road
- It is a good idea to let individuals with learning difficulties live within the community

Essex County Council Highways

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

1. Prior to first beneficial use of the development, the existing in/out vehicle accesses shall be altered to create a continuous dropped kerb vehicle access across the site frontage. The whole access shall be provided with an appropriate dropped kerb vehicle crossover of the highway verge. Full layout details and final width to be agreed with the Highway Authority. *

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

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

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

3. Prior to first beneficial use of the development, and as shown on planning drawing 23/01/SK01, the off-street parking spaces shall be provided. Each parking space shall have minimum dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.

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

4. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified 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.

Environment Agency:

Flood Risk

To assist you in making an informed decision about the Flood Risk affecting this site, the key points to note from the submitted FRA, referenced 100020.587204 and dated September 2023, are:

Actual Risk

- The built footprint remains the same as existing and therefore the flood risk to and from the building will not change.
- The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
- The site does benefit from the presence of defences. The defences have an effective crest level below 0.5% (1 in 200) annual probability flood level including climate change and therefore the site is at actual risk of flooding in this event.
- The existing Finished ground floor levels sit at 4.12m AOD. This is below the 0.5% annual probability flood level including climate change of 4.92m AOD and therefore at risk of flooding by 0.80 m depth in this event.
- Flood resilience/resistance measures have been proposed.

- The site level is 4.28m AOD (at its lowest) and therefore flood depths on site are 0.64 m in the 0.5% (1 in 200) annual probability flood event including climate change.
- Therefore, assuming a velocity of 0.5m/s the flood hazard is danger for most including the general public in the 0.5% (1 in 200) annual probability flood event including climate change.
- Therefore, this proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event). We have no objections to the proposed development on flood risk access safety grounds because an Emergency Flood Plan has been submitted by the applicant, but you should determine its adequacy to ensure the safety of the occupants.
- Compensatory storage is not required.

Rochford District Council Emergency Planning and Business Continuity Officer

This is a very good example of what I would like to see covering warnings, evacuation and making the property flood resilient.

To make it excellent I would ask that they include the following bullet point paragraph in section 3.4.4.

Evacuation should be planned on receipt of a Severe Flood Warning from the Environment Agency and take place before the predicted danger period. Evacuation must not be delayed until the property starts to flood as this then becomes a rescue putting both the residents and Emergency Services at risk.

Development and Flood Risk Officer – Essex CC

Thank you for consulting us on the above application, having reviewed the information that has been provided it is considered that the development does not pose a significant flood risk and there is little opportunity to deliver new SuDS features, therefore we do not wish to provide formal comment on this application.

However, as this site is within a Critical Drainage Area, please consider the use of permeable paving and water butts.

Relevant Development Plan Policies:

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014)

RECOMMENDATION: APPROVE

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the following approved plans: 22-101/04B, 22-101/11, 22-101/12, 22-101/13 and 23/01/SK01.

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application.

3. Prior to first beneficial use of the development, the existing in/out vehicle accesses shall be altered to create a continuous dropped kerb vehicle access across the site frontage. The whole access shall be provided with an appropriate dropped kerb vehicle crossover of the highway verge. Full layout details and final width to be agreed with the Highway Authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the highway in the interests of highway safety in accordance with policy DM1.

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

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

5. Prior to first beneficial use of the development, and as shown on planning drawing 23/01/SK01, the off-street parking spaces shall be provided. Each parking space shall have minimum dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.

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

6. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified 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.

REASON FOR DECISION AND STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the adopted Development Plan and 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. The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

The local Ward Members for the above application are Cllr. D. S. Efde, Cllr. G. W. Myers and Cllr. Mrs. J. McPherson.