



Planning Committee
4th February 2025

Application No	:	88/02105/S73 Section 73
Location	:	Daniel Kirby House Care Home Moulsham Street Chelmsford CM2 9AQ
Proposal	:	Removal of condition 3, variation of conditions 4 and 7 to approved planning application 88/02105 (change of use to residential elderly persons home including conversion of existing garage and extensions) to remove age constraints.
Applicant	:	Calm Futures Ltd Calm Futures Ltd
Agent	:	Mr James Firth
Date Valid	:	18th September 2024

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1. Executive summary

- 1.1. This application has been submitted under section 73 of the Town and Country Planning Act 1990. In deciding an application under section 73, the local planning authority must only consider the conditions that are the subject of the application.
- 1.2. The planning application is presented to the Planning Committee at the request of the local ward member, to consider whether it is appropriate development in this location and whether if granted, the use would be effectively controlled.
- 1.3. The premises would remain in C2 use for the provision of residential accommodation to people in need of care. The change proposed is that the current age restrictions secured by conditions 3 and 4 attached to the original planning permission 88/02105, that limit occupation to over 60 years of age for female residents and 65 years of age for male residents, would be removed (3) and varied (4) so that the premises can be occupied by younger residents in need of care.
- 1.4. There would be no intensification of use in that number of residents are restricted by condition 7 to a maximum of 13 residents. This condition currently refers to 'elderly persons' and it is proposed to be varied to remove reference to 'elderly' (see proposed condition 4).
- 1.5. In determining this application, it should be borne in mind that the question it poses is whether a care home where residents are not restricted by reason of older age is in land use terms, acceptable within a residential area. It is considered that a residential care home whether for the elderly or adults over 18 years of age is, in land use terms, an inherently acceptable use within a residential area.
- 1.6. Concerns have been raised by local residents about the potential for increased noise and disturbance and fears about their safety and wellbeing as a result of the change in nature of the residents occupying the premises and the potential for a different nature of behaviour. These concerns are not supported by any authoritative evidence. The premises would be subject to a comprehensive management regime and as the applicant advises; a continuous inspection model implemented by the Care Quality Commission (CQC). This means that service quality would be monitored on an ongoing basis.
- 1.7. It is considered that the proposal would comply with the requirements of Policy DM29 (Protecting living and working environments). Subject to effective management, as proposed, the proposal would be most unlikely to result in an unacceptable impact on the quality of nearby residential living conditions through noise, activity or other disturbance or be likely to materially affect the safety and wellbeing of nearby residential occupiers.
- 1.8. Concerns were raised by the local residents regarding the adequacy of parking provision to serve the site. The premises are in a sustainable location which has good bus links and is close to existing services and the city centre. Five parking spaces are provided which is the same as when the premises operated as a care home for the elderly. This is an appropriate amount of parking in this location for the use of the premises as has been confirmed by the highway authority.
- 1.9. The proposal would not affect the character of the immediately adjacent conservation area, and an adequate level of private amenity space would be provided.

1.10. For the reasons set out in the report it is considered that the proposed variation to occupation of these premises from elderly persons to any person requiring care would not materially alter the characteristics and impact of the use on the locality.

1.11. Having regard to all other matters raised by local residents it is concluded that the proposed change subject to conditions is acceptable and in accordance with the adopted Local Plan Policies. The scheme is recommended for approval subject to the conditions listed in this report.

2. Description of site

2.1. The application site is in the urban area of Chelmsford and located at the junction of Moulsham Street and Brooklands Walk. The site consists of a detached 1930s house, now much extended with a garden area to rear.

2.2. The use of the existing premises changed from residential to a care home in late 1980s. More recently the building has been vacant and undergoing refurbishment.

2.3. The site has an existing and long-established access from Moulsham Street to a front courtyard which provides five parking spaces.

2.4. The immediate surroundings of the application site are residential. The site to the southwest side and partly to the rear the property is bounded by Brooklands Walk and associated parking spaces. To the northeast of the site is an access drive that serves a residential property called The Lions which lies adjacent to the rear corner of the application property.

2.5. The site is adjacent to the New London Road Conservation Area.

3. Details of the proposal

3.1. The application is to vary planning permission reference 88/2105 '*Change of use to residential elderly persons home including conversion of existing garage and extensions.*' The proposed variation is to delete condition 3 and amend conditions 4 and 7.

3.2. Condition 3 states:

'Other than the warden's accommodation, the residential units hereby permitted shall not be occupied by any male of less than 65 years of age or any female of less than 60 years of age except as may be agreed in writing with the Local Planning Authority.'

3.3. Condition 4 states:

'Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or as subsequently amended or re-enacted, the premises shall be used solely as a home for elderly persons.'

3.4. The reasons for the two conditions 3 and 4 on the decision notice is:

'The effect of the use on the amenity of nearby residents and the amount of space available for car parking has all been assessed on the nature of the use and the activity generated. The

circumstances pertaining to an alternative use within the same use class would be unlikely to meet these criteria and would be unacceptable’.

3.5. Condition 7 states that:

‘The total number of elderly persons occupying the premises at any one time shall not exceed 13’.

3.6. The reason for this condition on the decision notice is:

‘To determine the scope of this permission and to enable the local planning authority to retain effective control over the development hereby permitted in the interests of the amenities of the area’

3.7. The proposed variation of Condition 4 is:

‘Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or as subsequently amended or re-enacted, the premises shall be used solely as a care home or for supported living.’

3.8. The proposed rewording of condition 7 is:

‘The total number of persons occupying the premises at any one time shall not exceed 13.’

3.9. Information submitted with the application advises that it is intended to continue use the premises as a residential care home but for individuals over the age of 18 with learning disabilities, autism and complex needs. Planning permission 24/00962/FUL approved on 22 October 2024 (see history below) granted permission for a single storey extension to the rear to provide two independent living units. The remainder of the existing built form on site would provide a six-bed care home and a further four independent living apartments. Total accommodation if the recently approved extension is built would therefore provide six care rooms and six independent living units. The applicant advises that the nature of the independent living units would mean that they would fall within the C2 use class due to the level of care being provided to the occupiers. The premises as a whole would operate as one with 24-hour staffing and all residents having access to the 24- hour care available.

3.10. Supporting information on the application has been provided as follows:

- Letter from Ceres Property (planning agent) dated 3 October 2024
- Letter from ECC Adult Social Care dated 30 August 2024
- Essex County Council – Process for Onboarding of Supported Living Accommodation in Essex
- Supporting information from Calm Futures (operator of the premises)

4. Other relevant applications

4.1. **24/00962/FUL** - Approved 22nd October 2024
Extension to provide 2no. self-contained assisted living flats.

Note

The above application provided further information following the refusal of 24/00258/FUL (see below). The applicant clarified that the premises would be managed as one care facility and provided further information on staffing levels. As a consequence of this additional information, it was considered that the five parking spaces proposed would be acceptable. A refuse and cycle store were also proposed to the rear of the property along with confirmation of the refuse collection arrangements. As such the previous reasons for refusal were considered to have been overcome.

4.2. 24/00258/FUL - Refused 25th April 2024

Conversion of part of the existing building to propose 6no. assisted living units for adults with complex needs, with extension to the rear and associated amenity.

Note

The above application was refused because of concerns about the adequacy of car parking provision and because the development did not demonstrate that adequate refuse storage and cycle parking would be provided.

4.3. 22/01628/FUL - Application Withdrawn 17th November 2022

Demolition of the existing care home. Construction of 2 buildings to provide a 9 flat extra care residential complex for the over 70s with associated communal areas and parking provision.

4.4. 06/01412/FUL - Approved 19th September 2006

Single storey rear addition and first floor side extension to existing residential home.

4.5. 90/0198 - Approved 8th April 1991

Extensions to form larger sitting room and four bedrooms at rear, infill in front patio for dining room and double bedroom, new entrance, internal alterations and parking area.

4.6. **88/2105** - Approved 14th August 1989

Change of use to residential elderly persons home including conversion of existing garage and extensions

Note -

The site as whole is a subject to a s52 agreement (now s106 agreement following the 1990 Act) secured under planning permission reference 88/02105/FUL, which requires that planning consent is obtained for the change of use of the site if the use would differ from the one described in Schedule 3 of the Agreement. The restrictions were imposed on the age of the occupiers (above 60-65) and the number of people to be living within the site (13).

The applicant has advised it is also the intention to seek the required variation of the agreement in relation to the age restrictions.

5. Summary of consultations

- Essex County Council Highways - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject that the site must retain its current C2 Planning Use and any other mitigation measures agreed in support of the previous full approval must be transferred to this application if approved.

The conditions referred to relate to planning permission reference 24/00962/FUL for the extension approved in October 2024. They relate to a service & car park management plan, parking bays to be provided and marked out, a construction management plan and cycle parking.

- Public Health & Protection Services - No comments with regard to these variations.
- South Essex Parking Partnership - Please note that new properties and/or conversions are not eligible to join any resident permit parking schemes.
- Local residents – Four letters of representation have been received. Two from neighbours in Brooklands Walk and two from the neighbouring properties closest to the property to the northeast.

The comments from the neighbours to the northeast include concerns regarding privacy, that the existing garden boundary hedge can be seen through in places and that an existing low brick wall on the northern boundary may become a location for residents to sit.

The more general points are:

- Concern about the use of the premises for young adults with complex needs in relation to nearby housing.
- Concern residents could cause problems to people and their property.
- Concern that occupants may include residents with addiction or violent tendencies.
- Provision of parking for residents and staff.
- Adequate provision of amenity space for residents.

6. Planning considerations

6.1. The application has been submitted under section 73 of the Town and Country Planning Act 1990. In deciding an application under section 73, the local planning authority must only consider the conditions that are the subject of the application – it is not a complete reconsideration of the application.

Main Issues:

- a. Is a care facility for adults in need of care as opposed to solely elderly care an appropriate use in a residential area.
- b. Would the lifting of the age restriction and occupation of the premises by younger individuals with generally different care needs result in an unacceptable level of harm to nearby residential occupiers from noise, disturbance or other planning related matters of concern about the use.
- c. Would the proposed lifting of the age restriction lead to a greater demand for car parking such that the five parking spaces to the front of the property would be insufficient and on street parking would occur to the detriment of highway safety.

Policy considerations

6.2. A care home is a building in residential use where care is provided (Class Use C2). There is no change of use involved with this proposal which solely seeks to remove the age restrictions currently in place so that the premises can cater for younger residents. As things stand in planning terms, the premises could be used to accommodate residents with learning difficulties, autism and complex needs provided female residents had reached the age of 60 and male residents 65, but not if they were under those ages.

- 6.3. The following policies are of relevance to the proposal.
- 6.4. Policy S1 – Spatial Principles requires, amongst other things, that development should be located at well-connected and sustainable locations.
- 6.5. Policy DM29 – Protecting living and working environments concerns the safeguarding of the living environment of occupiers of nearby residential property including at i) that the development shall not result in excessive noise, activity or vehicle movements. Noise is also referenced within part ii) of the policy in the context of pollution.
- 6.6. Policy DM27 – Parking Standards seeks to ensure that appropriate levels of car parking are provided.
- 6.7. Also of some relevance are Policy DM26 - Design Specification for New Dwellings, insofar as it relates to providing sufficient private amenity space and, Policies S3 – Conserving and Enhancing the Historic Environment and DM13 – Designated Heritage Assets, insofar as it relates to conservation areas.

Principle of Development (Policy S1)

- 6.8. The lawful use of the site is a care home which is the ‘residential institutions’ use falling within Class C2 of Town and Country Planning (Use Classes) Order 1987 (as amended) (the Order). Class C2 does not just cover care homes. Its scope includes such uses as residential schools, colleges or training centres, hospitals and nursing homes.
- 6.9. The use would not change from C2. The premises would remain as a residential care use within a largely residential area but with the age restriction changed so that younger people can be accommodated.
- 6.10. The Council’s spatial strategy for development (Policy S1) seeks amongst other things to make the best use of previously developed land in the Chelmsford urban area which is accessible, has existing services and public infrastructure. The site is approximately 1.6km from the city centre, in a location where development will be supported subject to compliance with policies which ensure the adequate provision of facilities for development to function properly while providing safeguards to the environment and amenity in the public interest.
- 6.11. As is the case with the current care home for older residents, the proposed change to accommodate younger people would result in a nature of occupation of the premises which would remain acceptable in principle in a residential area and in a location well served for services and public infrastructure.
- 6.12. It is also of note that the Town and Country Planning use Classes Order within the C3 dwelling houses use class, includes at C3 (b) use as a single household of not more than 6 residents where care is provided. The point here being that a residential care use is inherently acceptable in principle within a residential area. The proposal falls outside C3 (b) because more than 6 residents would be accommodated.

Effect on living conditions of nearby residents (Policy DM29)

- 6.13. A separate planning permission has been granted for a single storey extension to the existing care home premises (ref 24/00962/FUL). There are no alterations requiring planning permission as part of the current S73 proposal which solely concerns a change to the planning conditions attached to the original planning permission.

- 6.14. Policy DM29 concerns the safeguarding of the living environment of occupiers of nearby residential property including at i) that the development shall not result in excessive noise, activity or vehicle movements; and at ii) that amongst other things, the proposed development avoids unacceptable levels of noise.
- 6.15. The reason stated for the attachment of conditions 3 and 4 to the original 1989 permission is set out at paragraph 3.4 of this report.
- 6.16. In this case the proposal is to retain a use falling within Class C2, one of providing residential accommodation to people in need of care. A total of 12 living spaces (6 self-contained living spaces and 6 communal spaces) would be provided in the renovated and extended property.
- 6.17. The application falls to be determined on its planning merits as now proposed and based on the information provided.
- 6.18. Condition 7 of the planning permission 88/2105 states that *'The total number of elderly persons occupying the premises at any one time shall not exceed 13'*. It is proposed that this condition is amended to continue to limit the number of occupiers to 13, but with the age restriction lifted. This would enable up to 12 residents requiring care and one sleep in member of staff to be accommodated. The proposal would therefore not result in any intensification of the use in that the maximum number of residents would be similar to the current care home use.
- 6.19. Local residents are unlikely to experience any unacceptable levels of noise or disturbance from inside the building. Residents will be able to use the garden where, as in the case of any residential garden, there is potential on occasion for some level of noise to occur and be heard beyond the boundaries of the site.
- 6.20. The applicant has advised that upon moving in residents are required to agree to house rules that include guidance on the use of the garden with specific attention to minimising noise levels to respect the local neighbourhood. Residents using the garden can be monitored when outside and staff should be aware immediately should rules not be followed and can take action to deal with any issue promptly.
- 6.21. Letters of representation from residents, express concern about the potential for unpredictable behaviour of the residents of the new development and the consequences for neighbours' safety and wellbeing.
- 6.22. These concerns about the safety and wellbeing of neighbours are understood but are speculative. It may not necessarily be the case that any issues of concern for nearby residents would arise. The premises would be subject to a management regime to address any issues that may occur. Information from the applicant indicates that management would include 24-hour staffing with typically two staff members on duty at the premises with one staff member available all night for waking night support along with a further sleeping staff member who could be called upon if necessary. The applicant advises that staff are comprehensively trained and well prepared to manage any resident related incidents or emergencies that may arise. An on-call system is in place that includes operational managers, the Group Operations Manager and board members to ensure rapid escalation and support if needed. This system aligns with the organisation's Business Continuity Plan. To enhance safety and security further the applicant has advised that CCTV systems will be installed around the property.
- 6.23. Information has been provided by the applicant in relation to allocations and the inspection regime for the premises.

- 6.24. Essex County Council Adult Social Care has indicated support for the proposals (30 August 2024 letter from Robert Sier, Commissioning Manager Learning Disabilities, Autism, Physical and Sensory Impairments). An Onboarding process needs to be completed. Onboarding is a scheme approval process to ensure that Essex County Council (ECC) are satisfied that the care home would provide a good quality and stable environment so that ECC can proceed with funding and onboarding residents into the facility.
- 6.25. Inspection would be through a continuous inspection model implemented by the Care Quality Commission (CQC) – the independent regulator of health and social care in England. This means that service quality would be monitored on an ongoing basis. The applicant’s agent has advised that the premises will be CQC registered and therefore the service managed through this system. The required standards ensure the appropriate number of staff in relation to specific care requirements and that staff are all appropriately trained and effective in managing the service.
- 6.26. The allocation and inspection regimes both indicate that the premises will be managed in accordance with best practice and will be subject to a robust regime of regulation.
- 6.27. In all, the concerns of a number of local residents about the behaviour of proposed residents unacceptably affecting their living conditions and safety and wellbeing are acknowledged but these are not supported by any substantive evidence. As it stands there is no evidence that the use proposed would operate so that an unacceptable level of harm would occur to the living conditions and wellbeing of nearby residential occupiers. An effective management regime as has been set out by the applicant and would be in place to adequately address any issues that may occur on this site.
- 6.28. It is recognised that the fear of an incident arising can detract from the quality of an area in terms of feelings of well-being and security. Assessment of this application should be based on the likely situation following implementation rather than fears generated by the proposal itself. The proposal is unlikely to so undermine reasonable expectations relating to the use of the surrounding area to make the proposal unacceptable on this basis. The concerns expressed in the representations received regarding the potential behaviours of occupants on and off the premises have been fully considered but any issues that may arise which could impact upon neighbours can be effectively addressed through the management regime of the premises. If problems of noise or behaviour were to still occur, then there are separate legislative and regulatory processes and powers available to the local authority and the police beyond the scope of planning legislation to address these.
- 6.29. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land. Where there are separate regimes, it should be assumed that these will operate effectively and should not be duplicated by planning conditions as these would be unlikely to meet the test of necessity.
- 6.30. Concerns were also raised regarding overlooking of The Lions and Stump Cross properties from the rear garden. The side garden boundary provides screening in the form of hedgerow type planting. To address such concerns the applicant has agreed to erect a screen fence along the north side garden boundary – see condition 7.
- 6.31. The proposal would comply with the requirements of Policy DM29 and subject to effective management would be unlikely to result in an unacceptable impact on the quality of nearby residential living conditions through noise, activity or other disturbance or be likely to materially affect the safety and wellbeing of nearby residential occupiers.

6.32. Policy DM29 Protecting Living and Working Environments of local development plan is also concerned with any adverse physical or noise impacts from the construction and use of a proposed development. Construction noise is not relevant in the case of this application which solely concerns changes to conditions affecting the ages of the potential occupiers.

6.33. The proposed change to the age restriction relating to the premises is considered to comply with Policy DM29 of the local development plan.

Access and Parking (Policy DM27)

6.34. The premises are well served by public transport and are accessible on foot and bicycle. The highway authority raises no objection to the proposed variation on the basis that the parking provided with the use is retained. The use as originally permitted includes 5 parking spaces. In granting permission under section 73 the local planning authority may impose new conditions. Conditions are proposed to safeguard retention of parking spaces. Other conditions proposed include restrictions preventing servicing deliveries during peak traffic hours at the beginning and end of the working day and securing cycle parking.

6.35. The proposed development is considered to comply with the adopted Parking Standards and Policy DM27 of the local development plan as no material harm would be likely to arise to highway users as a result of the proposal.

Amenity Space (Policy DM26)

6.36. The care home as extended will retain an area of approximately 350sqm of shared garden space to the rear, this is considered satisfactory for the residents of the home and is consistent with Policy DM26 - Design Specification for Dwellings Appendix B of the local development plan.

Conservation Area (Policies S3 and DM13)

6.37. The northeast side boundary of the site forms the boundary of the Chelmsford New London Road Conservation Area. The site therefore lies outside but adjacent to the conservation area wherein Policy DM13 – Designated Heritage Assets applies. The proposal which does not include any physical changes, other than the requirement for new north boundary treatment and would not materially affect the character or setting of the adjacent conservation area.

7. Other Matters - Biodiversity Net Gain

7.1. The application is exempt from the Biodiversity Net Gain contribution because it is section 73A application submitted under Section 73A of the Town and Country Planning Act 1990.

8. Community Infrastructure Levy (CIL)

8.1. This application is not CIL liable.

9. RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

Condition 1

The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice.

Reason:

In order to achieve satisfactory development of the site.

Condition 2

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or as subsequently amended or re-enacted, the premises shall be used solely as a care home or for supported living.

Reason:

The use of the premises in any other use than proposed may not comply with Policies DM29, DM26, DM27 of the Local Plan

Condition 3

Accessed from Moulsham Street, 5 vehicle parking spaces and the associated turning area at the front of the care home shall be retained in this form at all times. The vehicle parking area shall not be used for any purpose other than the parking of vehicles that are related to the hereby permitted use of the site.

Reason:

To ensure that sufficient parking is available to serve the development in accordance with Policy DM27 of the Chelmsford Local Plan

Condition 4

The total number of persons occupying the premises at any one time shall not exceed 13.

Reason:

In order to safeguard the living conditions of nearby residents and ensure sufficient parking is available to serve the development in accordance with Policies DM29 and DM27 of the Chelmsford Local Plan

Condition 5

There shall be no servicing deliveries to the premises during the highway network peak hours of 08:00 to 09:30 and 16:30 to 18:30 Monday to Friday.

Reason:

In the interests of highway safety.

Condition 6

Within 3 months of the first occupation of the premises as proposed with age restrictions lifted, secure and covered bicycle parking shall be laid out within the site in accordance with details which shall previously have been submitted to and approved in writing by the local planning authority. Those spaces shall thereafter be kept available for the parking of bicycles only.

Reason:

To ensure that sufficient bicycle parking is available to serve the development in accordance with Policy DM27 of the Chelmsford Local Plan.

Condition 7

WEB
03FCOM

Within 28 days of the first occupation of the premises as proposed with age restrictions lifted a close vertical boarded fence shall be constructed along the full length of the north-east side rear garden boundary of the application site to provide a solid boundary of 1.8m height.

Reason:

To safeguard the residential living environment of the occupiers of the proposed dwellings and the existing neighbouring dwellings in accordance with Policy DM29 of the Chelmsford Local Plan.

Notes to Applicant

- 1 Your attention is drawn to the s.106 agreement attached to planning permission number 88/2105 approved on 14th August 1989 and the clause under The Third Schedule of that agreement which restricts occupation of the premises formally known as Ashley House Moulsham Street, now Daniel Kirby House Care Home. The Third Schedule of the agreement relates to the occupation of the development, in particular to age and number of occupiers. Your proposal would provide assisted living accommodation to all ages, which could be in breach of The Third Schedule of the s.106 agreement. You are advised that formal amendment/variation of the s.106 agreement is required prior to occupation of the units in accordance with this section 73 planning permission.

Positive and Proactive Statement

The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework to promote the delivery of sustainable development and to approach decision taking in a positive way.

Background Papers

Case File

Plans to be listed on any Decision Notice:

Site Location Plan

Appendix 2 – Consultations

Essex County Council Highways

Comments
25.10.2024 - Your Ref: 88/02105/S73 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following: 1. The site must retain its current C2 Planning Use and any other mitigation measures agreed in support of the previous full approval must be transferred to this application if approved. The above is 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 and NPPF 2023.

Public Health & Protection Services

Comments
02.01.2025 - No PH&PS comments with regard to this variation. 25.09.2024 - No PH&PS comments with regard to these variations.

South Essex Parking Partnership

Comments
Please note that new properties and/or conversions are not eligible to join any resident permit parking schemes. The South Essex Parking Partnership.

Local Residents

Comments
Representations received – WEB 03FCOM

Four representations received.

There is concern for the safety and well-being of the occupiers of nearby property and within the locality. It is understood that the interior of the building will incorporate protective measures to protect it against the unpredictable behaviours of residents. The behaviour of the residents of the care facility could pose a danger to others. The care facility residents' well-being will not be best served by living in a group of up to 12 people with complex needs.

There are also concerns about the robustness of safeguarding and management of the premises in relation to the full range of challenging behaviours that may be displayed by residents.

Twelve residents living at the premises would be a large number of people to manage and due to the intensity of the occupation and proximity of neighbouring property is likely to cause noise and disturbance to the detriment of the living conditions of nearby residential property.

The rear garden space would be used by residents, and it should be borne in mind that it will be reduced once the planning permission for the rear extension is implemented.

The north side boundary of the application site includes low walls and a thin hedge. Concern is expressed about loss of privacy so if permission were to be granted there should be a requirement for the applicant to erect a new boundary treatment to safeguard neighbouring property.

The proposal would not provide sufficient car parking to serve the nature of the use now proposed.

Ashley House, Moulsham St Site Location Plan (1:1250)

