

MEMBERS' UPDATE

HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

14 June 2019

Dear Councillor

SOUTH EASTERN AREA PLANNING COMMITTEE - MONDAY 17 JUNE 2019

Please find enclosed the Members' Update for the above meeting, detailing any further information received in relation to the following items of business since the agenda was printed.

5. **FUL/MAL/18/01390 - Winterdale Manor, Burnham Road, Althorne** (Pages 3 - 4)
6. **FUL/MAL/19/00400 - Land at Myrtle Cottage, Stoney Hills, Burnham-on-Crouch**
(Pages 5 - 6)
7. **FUL/MAL/19/00458 - Land Adjacent 9 St. Peter's Court, Bradwell-on-Sea** (Pages 7 - 10)
8. **FUL/MAL/00465 - Chartwell, 120 Maldon Road, Burnham-on-Crouch, Essex, CM0 8DB** (Pages 11 - 14)

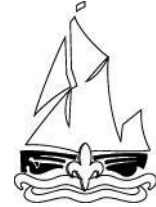
Yours faithfully



Head of Paid Service

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**CIRCULATED AT
THE MEETING**



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
17 JUNE 2019**

MEMBERS' UPDATE

AGENDA ITEM NO. 5

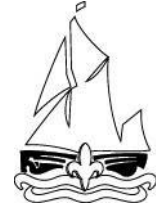
Application Number	FUL/MAL/18/01390
Location	Winterdale Manor Burnham Road, Althorne
Proposal	Demolition of the existing buildings and erection of 14 dwellings with associated infrastructure
Applicant	Bardwell Plant & Agricultural Services Ltd
Agent	Mrs Lisa Skinner – Phase 2 Planning
Target Decision Date	21.06.2019
Case Officer	Devan Lawson
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Major Application Member Call In: Councillor Acevedo Reason: Public Interest and Local Knowledge

5.12 Other Matters

- 5.12.1 The agent provided revised plans in an email dated 05th June 2019. The revisions included amendments to the size of the garden within plot 2 to be 50sqm and also revisions to the garage/carport elevation and floor plan drawings, so that there was consistency between the plans, and also to try and overcome the fourth reason for refusal. However, as these plans were submitted after the finalisation of the Committee Report and would require public consultation, it was not possible for the Council to accept the amendments in the timescales available. Furthermore, it is not considered that these minor changes would overcome the fundamental concerns with the proposal.

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AGENDA ITEM NO. 6

Application Number	FUL/MAL/19/00400
Location	Land at Myrtle Cottage, Stoney Hills, Burnham-On-Crouch, Essex
Proposal	Proposed 2 bedroom dwelling
Applicant	Mr & Mrs Wiffen
Agent	Greg Wiffen - Planman
Target Decision Date	06.06.2019 (EoT agreed: 21.06.2019)
Case Officer	Anna Tastsoglou
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

7 CONSULTATION AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish/Town Council

It is noted that the Burnham Town Council has been re-consulted on the basis of the amended plans and the response received raises the same concerns as those raised in the original consultation response.

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AGENDA ITEM NO. 7

Application Number	19/00458/FUL
Location	Land Adjacent 9 St Peters Court, Bradwell-on-Sea
Proposal	Erection of 2No. detached 4 bedroom dwellings
Applicant	Great Canney Developments Ltd
Agent	Raymond Stemp Associates
Target Decision Date	21.06.2019
Case Officer	Devan Lawson
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

2. **SITE MAP**

- 2.1 The site map included within the agenda does not show the whole application site. Please refer to the below map for the full application site.



5. **MAIN CONSIDERATIONS**

5.9 **Pre-Commencement Conditions**

- 5.9.1 The applicants agent has agreed to the proposed pre-commencement conditions in an email dated 06th June 2019.

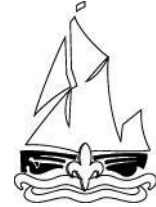
7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

- 7.1.1 **1 further** letter has been received **objecting** to the application, resulting in **4** letters of objection. The further reasons for objection, which have not been raised previously are summarised as set out in the table below:

Objection Comment	Officer Response
Proposal represents a cramped form of development and unacceptable increase of urban sprawl. The site plans do not include garage, which is unusual for properties of this scale, and is uncharacteristic of the existing properties. If they are added at a further date they will increase the harm and will result in overcrowding. This was a key factor in the refusal of 17/00409/FUL.	The design, scale, bulk and siting of the proposal is addressed at section 5.3 of the Committee Report. Whilst a condition could be imposed preventing the construction of outbuildings under permitted development. This would not be considered reasonable or necessary as the limits set out within the Town and Country (General Permitted Development) Order 2015 (as amended) Schedule 2, Part 1, Class E, would prevent demonstrable harm on the character and appearance of the area or neighbouring amenity.
The dwellings share one narrow entrance which is not characteristic of St Peter's Court.	The design, scale, bulk and siting of the proposal is addressed at section 5.3 of the Committee Report. Whilst the entrance would serve two dwellings, other than No.8 to the east of the application site, the neighbouring accesses tend to be as narrow as the access to the proposed dwellings.
Driveways should not be used as turning areas for heavy goods vehicles.	A condition requiring a construction management plan has been included which will address this.
If permission is granted a 1.8m close boarded fence should be erected along the eastern boundary for privacy purposes.	Boundary Treatments can be addressed via the landscaping condition as discussed at paragraph 5.8.1
Conditions are required for: <ul style="list-style-type: none">- Working hours- Works traffic parking and manoeuvring.	A condition relating to construction management has been proposed. However, the burning of waste and working hours would be dealt with via

Objection Comment	Officer Response
<ul style="list-style-type: none"> - Prohibit bonfires - Prohibit access into neighbouring properties. 	<p>other legislation.</p> <p>Entering neighbouring properties without permission is a civil matter that cannot be dealt with through the planning process.</p>

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AGENDA ITEM NO. 8

Application Number	FUL/MAL/19/00465
Location	Chartwell, 120 Maldon Road, Burnham-On-Crouch, Essex, CM0 8DB
Proposal	Change of use from Class C3 dwellinghouse to a residential children's home Class C2 (residential institution).
Applicant	Mr Frederik Booyesen - PSS Care Group
Agent	Miss Nichola Brown - PSS Care Group
Target Decision Date	28.06.2019
Case Officer	Anna Tastsoglou
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In Councillor Wendy Stamp has requested the application to be presented before Members of the South Eastern Area Planning Committee on the grounds of public interest.

7 CONSULTATION AND REPRESENTATIONS RECEIVED

7.4 Representations received from Interested parties

- 7.4.1** It is noted that an additional eleventh letters of objection have been received since the writing of the committee report. Two of the objection letters being received have been submitted from the same neighbours previously raised comments, one of which has confirmed that the original letter was a letter of objection rather than comment to the application. On that basis, the type of representation on the website has been changed accordingly. It is noted that these two letters raise the same comments as those originally raised and thus, there is not reason to be reiterated. All new comments, objecting to the proposal that have not been addressed in the Officer Report are summarised below.

Objection Comment	Officer Response
The off-street parking spaces will not be sufficient to meet the requirements of the development and public transport is	This matter is addressed in sections 5.1 and 5.5.

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Agenda Item no. 8

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Objection Comment	Officer Response
limited.	
No pre-application consultation was undertaken prior to the submission of the application.	It is noted that this is not a statutory requirement.
The proposal does not provide a market assessment.	The submission of a market assessment is not a policy requirement, but provision of revenue funding is discussed in section 5.1 of the report.
The proposal goes against the Council's expectation to deliver older persons housing.	The proposal would not result in loss of an existing older persons accommodation.
The proposal will result in reduction of housing (C3 use class) supply.	This matter is addressed in section 5.1 of the report.
The development would not comply with the requirements of policy H3 regarding Specialist Needs Accommodation.	Assessed in section 5.1 of the report.
Further details in relation to the nature of the proposal, in particular the needs of the future children that would reside on site, the times that they will be supervised and the way that nuisance will be managed, are considered necessary to be provided.	The application is supported by a statement that provides information about the nature of the use. All relevant planning matters in relation to the nature of the use and its impact on the neighbours are assessed in sections 5.1 and 5.4 of the report.
Correspondence regarding requesting the application to be called in to committee have been submitted.	Noted.
Highway safety concerns.	Addressed in section 5.5 of the report.
The site notice was posted on 28 th May.	It is noted that the site notice was posted on site in accordance with the statutory requirements and within the time frame of the application.
No details of the type of vehicle usage at the property and the vehicle movement is provided.	Details of parking requirement for this type of development are discussed in section 5.5 of the report. Although no details of the type of vehicles using the site have been provided, given the limited

Objection Comment	Officer Response
	number of young people residing on site, it is considered unlikely that more than one larger vehicle would be required to be parked on site. The site benefits from a large sized front curtilage that can accommodate at least eight vehicles (including turning facilities). On that basis, the provision of one larger vehicle would not result in a material reduction of the off-street parking provision to an extent that would warrant refusal of the application on those grounds.
Adverse impacts on the neighbours' residential amenity.	Discussed in section 5.4 of the report.
Concerns regarding not being able to upload comments on the Council's website and therefore, the Council has not carried out its duty to seek comments from those that may be impacted from the development.	It is noted that Council has three available options to receive correspondence, including the website, an email address and by post. The Council's offices are also open and representation letters can be received at the reception. Furthermore, a short unavailability to register comments on the website, goes beyond the local planning authority's remit.
Lack of police presence to ensure vulnerable children are not targeted.	This is a matter that goes beyond the local planning authority's control.
Burnham-on-Crouch lacks facilities to support the development of the children.	Burnham-on-Crouch, according to the LDP is one of the main settlements in Maldon, that benefit from a range of facilities and services and is provided with good public transport.
The house is large with potential to be extended further and therefore, a limit on numbers should be imposed.	The Council can only assess the proposal as it has been submitted. Any further development would require the submission and assessment of a new application.
The proposed development is not incomparable to a conventional dwelling and it will result in significant impact on residential amenity, due to the number of people residing and the children's background.	Consideration has been given to the potential additional impact caused in terms of noise and activity in comparison to a conventional dwelling. However, it is noted that this is a large property that could have been occupied by a large family with dependent people. On balance, it is considered that the additional impact, due to the residential

Objection Comment	Officer Response
	nature of the development would not be greater to an extent that would warrant refusal of the application on those grounds.

7.4.2 It is noted that a letter from the agent has been submitted providing further information regarding the proposed development. These further details are summarised below:

- The purpose of the services provided is for young people to have the opportunities to achieve in the same way as their peers.
- The services provided are for long rather than short term care for young people.
- Further details in relation to the market value of the neighbouring houses to the existing residential children home in Myaland have been provided. It is also noted that only one house near this property has been for sale since the residential children home started operation, which was for sale prior to the conversion of the site to residential children's accommodation.
- Records of all police visits is kept as part of our OFSTED inspection schedule. It is confirmed that in the past 12 months there have been 4 police visits on 3 separate days at the residential children's house in Mayland. Further details of each police visit are provided.
- The additional parking need from a conventional dwelling is accepted, but it is noted that this was a reason a site like the application site was chosen, due to the existing ample parking space.
- Since the opening of the residential children's house in Mayland there has been one formal complaint, which has been resolved.
- Details of an incident where one of the children in the residential children's house in Mayland has been abusive to neighbours is given and it is stated that the placement was closed for this young person.
- It is noted that the PSS Care Group does not have a residential children's house in Rayleigh or are a large business.
- It is also noted that PSS Care group has a comprehensive complaints policy which is regulated by an independent visitor monthly and OFSTED at inspection. It is advised that copies can be made available to neighbours if they require it.