

## MEMBERS' UPDATE

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

04 October 2019

Dear Councillor

### SOUTH EASTERN AREA PLANNING COMMITTEE - MONDAY 7 OCTOBER 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/18/01518 - Sandbeach, Hockley Lane, Bradwell-on-Sea, Essex CM0 7QB** (Pages 3 - 6)
6. **FUL/MAL/19/00722 - 1 Kings Road, Southminster, Essex CM0 7EJ** (Pages 7 - 8)
10. **FUL/MAL/19/00861 - Chartwell, 120 Maldon Road, Burnham-on-Crouch, Essex, CM0 8DB** (Pages 9 - 14)
11. **HOUSE/MAL/19/00862 - Ravenscot, Burnham Road, Althorne, Essex** (Pages 15 - 16)
12. **HOUSE/MAL/19/00863 - 2 Brook Lane, Asheldham, Essex CM0 7DY** (Pages 17 - 18)

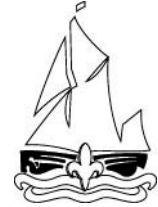
Yours faithfully



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  
7 OCTOBER 2019**

**MEMBERS' UPDATE**

**AGENDA ITEM NO. 5**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>FUL/MAL/18/01518</b>  |
| <b>Location</b>                                       | Sandbeach, Hockley Lane, Bradwell-On-Sea, Essex, CM0 7QB   |
| <b>Proposal</b>                                       | Section 73A application to convert disused farm outbuilding into dog kennels, change of use of associated land to be used as a dog rescue centre and stationing of a caravan to be used as a veterinary practice in association with the dog rescue use. |
| <b>Applicant</b>                                      | Ms Charlene Nathan   |
| <b>Agent</b>  | Mr Ashley Wynn   |
| <b>Target Decision Date</b>                           | EOT: 11.09.2019  |
| <b>Case Officer</b>                                   | Spyros Mouratidis  |
| <b>Parish</b>   | <b>BRADWELL-ON-SEA</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Deferral – due to further information needing to be submitted  |

**3 CONSULTATIONS AND REPRESENTATIONS RECEIVED**

**3.5 Representations received from Interested Parties**

3.5.1 A further letter of representation has been received objecting to the application.

| <b>Objection Comment</b>  | <b>Officer Response</b>  |
|---|--|
| Concerns over loss of amenity.  | Comments noted. See section 5.2 and 5.3.   |
| Aggressive behaviour.   | This is not a material planning consideration.   |
| Dogs aren't walked on leads.  | This is not a material planning consideration.   |
| Issues with dogs escaping.  | This is not a material planning consideration.   |
| There should be a bat survey completed rather than just a general ecology report. | The ecology report has included an assessment of bats and has concluded that there is no or negligible potential for bats. See section 3.2 of the report update. |
| Concerns over traffic.  | Comments noted. See section 5.4.   |
| Concerns over sustainability.   | Comments noted. See section 5.1.   |
| Is the vet's room in the caravan or the house.                                    | The plans submitted with the application show the caravan will be used as a veterinary clinic.   |
| The number of dogs should be restricted.  | Comments noted. The number of kennels could be controlled by a condition.  |

| <b>Objection Comment</b>   | <b>Officer Response</b>   |
|--|---|
| Issues over drainage, foul water, waste disposal.  | Comments noted. Conditions have been included to address these issues.              |
| There are more disadvantages than advantages.  | Comments noted.   |
| Any breaches are difficult to enforce.   | Any breaches that are brought to the attention of the Council will be investigated. |
| The applicant needs to apply for an animal welfare license.  | This is not a material planning consideration.                                      |
| Photographs have been received detailing vehicle movements at the site, dog foul, water bowls, information on bats, maps, Facebook comments. | These are noted.  |

3.5.2 It is not considered that the comments above outweigh the planning assessment within the main report.

### **3.6 Representations received commenting on the application.**

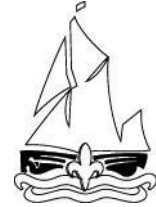
3.6.1 It is noted that the Agent has commented on the Council's Countryside and Coast Officer.

| <b>Comment</b>   | <b>Officer Response</b> |
|--|-------------------------|
| <p>On a point the coast and countryside raised on waste and drainage I can confirm the following;</p> <p>All dog waste is picked up and disposed of into clinical waste boxes which is then taken away under certificate by hazardous waste company every two weeks.</p> <p>The applicant washes the kennels via mops, any excess water that runs into drainage goes direct into our private sewage plant, dirty water is tipped straight into own sewage drain, these are then emptied by waste company as required meaning no waste or drainage affects the area outside of the yard/site or affect any ecology feature.</p> <p>I note the Essex Wildlife Trust raised dogs being off leads but these were not dogs connected to the centre and the centre has done and will continue to abide by the dogs on lead principle and the suggested management plan which our ecology report confirms will protect any local ecology feature that is present.</p> | <p>Comments noted.</p>  |



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**REPORT of  
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to  
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7 OCTOBER 2019**

**MEMBERS' UPDATE**

**AGENDA ITEM NO. 6**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>19/00722/FUL</b>  |
| <b>Location</b>                                       | 1 Kings Road, Southminster, Essex, CM0 7EJ   |
| <b>Proposal</b>                                       | Redevelopment of the site to include the conversion of the existing building to provide 4No. one-bedroom flats and the erection of a two storey side/rear extension to provide 2No. one-bedroom flats (all social rent), with associated off-street parking, amenity space, landscaping, external refuse and cycle store and external alteration (resubmission of 19/00195/FUL). |
| <b>Applicant</b>                                      | Mr Russell Drury - MOAT  |
| <b>Agent</b>  | Miss Maria Cannavina - Prime Building Consultants Ltd  |
| <b>Target ision Date</b>                              | 04.09.2019 (EoT agreed: 11.10.2019)  |
| <b>Case Officer</b>                                   | Anna Tastsoglou  |
| <b>Parish</b>   | Southminster Parish Council  |
| <b>Reason for Referral to the Committee / Council</b> | Previous Committee Decision<br>This application was previously refused contrary to Officers' recommendation.   |

**5 MAIN CONSIDERATIONS**

**5.9 Pre-Commencement Conditions**

5.9.1 It should be noted that the pre-commencement conditions were agreed with the applicant on 27.09.2019.

**7 CONSULTATIONS AND REPRESENTATIONS RECEIVED**

**7.2 Statutory Consultees and Other Organisations (*summarised*)**

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>   | <b>Officer Response</b> |
|---|--|-------------------------|
| Essex and Suffolk                                       | No objection, subject to compliance with their requirements. | Comment noted.          |

Agenda Item no.6.

#### 7.4 Representations received from Interested Parties

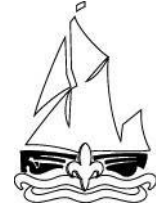
7.4.1 2 additional letters of representation were received one **objecting** and one **commenting** to the application and the reasons for objection/comment are summarised in the table below:

| <b>Objection Comment</b>         | <b>Officer Response</b>                                       |
|----------------------------------|---|
| Loss of privacy and overlooking. | These matters are addressed within section 5.4 of the report. |

| <b>Comment</b>   | <b>Officer Response</b>  |
|--|--|
| Although the neighbours are please for the site to be brought back into use, concerns are raised in relation to construction hours and the potential on-street parking and highway safety. | Matters relating to highway safety and parking are addressed in section 5.5 of the report.<br><br>Construction working hours are not control or imposed as conditions by the Local Planning Authority. Concerns should be raised with the Council's Environmental Health Department. |



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DIRECTOR OF STATERGY, PERFORMANCE AND GOVERNANCE**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
7 OCTOBER 2019**

**MEMBERS' UPDATE**

**AGENDA ITEM NO. 10**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>19/00861/FUL</b>  |
| <b>Location</b>                                       | Chartwell, 120 Maldon Road, Burnham-On-Crouch, Essex, CM0 8DB  |
| <b>Proposal</b>                                       | Permanent change of use from class C3 dwellinghouse to a residential children's home class C2 (residential institution). |
| <b>Applicant</b>                                      | Mr Frederik Booyesen - PSS Care Group  |
| <b>Agent</b>  | Mr John Pearce - Attwells Solicitors   |
| <b>Target ision Date</b>                              | 03.10.2019 (EoT agreed: 11.10.2019)  |
| <b>Case Officer</b>                                   | Anna Tastsoglou  |
| <b>Parish</b>   | <b>BURNHAM NORTH</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Previous Committee decision  |

**7 CONSULTATIONS AND REPRESENTATIONS RECEIVED**

**7.1 Representations received from Parish / Town Councils**

| <b>Name of Parish / Town Council</b> | <b>Comment</b>  | <b>Officer Response</b>   |
|--------------------------------------|---|---|
| Burnham-on-Crouch Town Council       | Object for the following reasons: <ul style="list-style-type: none"> <li>• Lack of school places.</li> <li>• Increase in the number of vehicles in comparison to a private dwelling</li> <li>• Dangerous access close to a busy junction</li> <li>• Late night noise</li> <li>• Concerns about</li> </ul> | All comments raised have been addressed within the officer report and officer response to neighbours' comments. |

Agenda Item no. **10**.

| Name of Parish / Town Council | Comment  | Officer Response |
|-------------------------------|--|------------------|
|                               | antisocial behaviours<br><ul style="list-style-type: none"> <li>• Impact on neighbours' safety and amenity.</li> </ul> |                  |

## 7.2 Statutory Consultees and Other Organisations (*summarised*)

| Name of Statutory Consultee / Other Organisation | Comment   | Officer Response   |
|--|---|--|
| Cadent Gas                                       | It is noted that an apparatus is located in the vicinity of the site. | The proposed development does not involve works below ground level and therefore, the existing apparatus within the vicinity will not be affected. |

## 7.4 Representations received from Interested Parties

7.4.1 11 additional letters of representation were received **objecting** to the application and the reasons for objection are summarised in the table below:

| Objection Comment   | Officer Response  |
|---|---|
| The applicant's comment regarding additional noise being offset by the noise from Maldon Road and the junction is disputed.                   | It is not unreasonable to accept that existing higher ambient noise levels offset the impact from other noises. However, as discussed in section 5.4 of the report, it is not considered that the impact of the development, in terms of noise and disturbance would be unacceptable. |
| The applicant has proceeded with the purchase of the site, regardless of the risk identified in the submitted statement.                      | This is not a material planning consideration and there is also no evidence in support of this information.   |
| Concerns regarding the background of the children occupying the site, potentially resulting in loss of amenity of the neighbouring occupiers. | The decorum of occupants is not controlled by planning. Furthermore, it should not be assumed that the chances of the proposed use resulting in antisocial behaviour are greater than those of a conventional residential use   |
| Concerns regarding capacity of the  | Given the limited number of young   |

Agenda Item no. 10.

| <b>Objection Comment</b>   | <b>Officer Response</b>   |
|--|---|
| school to accept the children that would reside on site.   | people (five) residing on site, it is considered that any impact on the nearby schools would be minimal and not such that to warrant refusal of the application on those grounds.   |
| Various matters of concerns in relation to the neighbours' safety and security are raised.   | These matters have been addressed in the officer responses.   |
| Concerns regarding the consideration of the impacts of the development by the Environmental Health Team.                             | The application together with its supportive information was available to the Environmental Health Team in order to assess the proposal. There are no concerns about the way Environmental Health dealt with the consultation.  |
| Concerns regarding impact on the highway network and increased parking need.   | The matter is address in section 5.5 of the report.   |
| Lack of reassurance regarding significant levels of protection for nearby residents.   | The impact of the development on the amenity of the neighbouring occupiers is assessed in section 5.4 of the report. There is no requirement, in planning terms, for the development to provide significant levels of protection, greater than any other development.   |
| The current application is not materially different from the previous application. This is disrespectful for the planning committee. | It is noted that the current application has been submitted including additional information to address the concerns previously raised. Therefore, there was no reason for the planning department not to accept this application or refuse to determine it. To the contrary, it is considered reasonable that the new information is presented before Members for assessment.  |
| No compliance with policy H3. The need has not been identified and also no funding is secured.                                       | Assessment of the information provided in relation to the need of such facility is provided in section 5.1 of the report. Although no funding has been secured for the facility, this is not considered being a reason to warrant refusal of the application on those grounds. Moreover, the benefits arising from the development are considered to outweigh the harm caused by the lack of funding. Sound the development found to be unviable, it will not be able to proceed with |

| <b>Objection Comment</b>  | <b>Officer Response</b>   |
|---|---|
|   | <p>implementation of the proposal.</p> <p>The issues regarding viability raised by the applicant are considered reasonable in case of a temporary permission, given the disproportionate financial implications of the imposition of a temporary permission.</p>                      |
| <p>Concerns are raised in relation to the lack of a traffic impact assessment.</p>  | <p>Details in relation to vehicle movement have been submitted by the applicant. The submission of a transport assessment would have been unreasonable to be requested by the LPA considering the small scale of the proposed development.</p>  |
| <p>The applicant has not made an attempt to engage with the neighbours.</p>   | <p>This is not a material planning consideration.</p>   |
| <p>Inconsistencies have been identified between the application form and other information submitted with the application (i.e. parking is not relevant to this proposals).</p> | <p>Comments noted. It should be noted though the all material consideration in relation to the proposed development, including that of the parking provision and the change of use have been assessed by the Local Planning Authority and are detailed within the officer report.</p> |
| <p>Concerns regarding capacity of the residential children's home I case of an emergency placement.</p>   | <p>The property is large sized property providing five large bedrooms and other communal areas, which would be possible to be turned to a room, in case of an emergency.</p>  |
| <p>Burnham-on-Crouch lacks facilities for children.</p>   | <p>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.</p>  |
| <p>The limited distance of the proposed development to the neighbouring sites has not been considered.</p>  | <p>It is noted that the position of the site in relation to the nearby sites and uses has been taken into consideration to assess the impact of the development on the nearby properties.</p>   |
| <p>Concerns are raised regarding highway safety, due to the proximity of the site to a busy junction.</p>   | <p>Comments are noted, but the proposed development has not been amended from the previously approved application (19/00465/FUL) and no objection was previously raised by the Highway Authority.</p>   |
| <p>The parking arrangements would be detrimental to the local residential character.</p>  | <p>Addressed in section 5.3 of the report.</p>  |
| <p>The incidents occurred at the Mayland premises have resulted in loss of the</p>  | <p>This application must be assessed on its own merits. It cannot be assumed that the</p>   |

| <b>Objection Comment</b>  | <b>Officer Response</b>   |
|---|---|
| amenity of the neighbours. The previous three year restriction to the current application was providing reassurance to neighbours about the management of the premises. | application site will have the same issues. Furthermore, as noted before, the decorum of occupiers is not controlled by planning. |
| Adverse impact on residential amenity due to the increased activity at the property.  | Addressed in section 5.4 of the report.   |
| Overlooking and loss of privacy.  |   |

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**REPORT of  
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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
7 OCTOBER 2019**

**MEMBERS' UPDATE**

**AGENDA ITEM NO. 11**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>HOUSE/MAL/19/00862</b>   |
| <b>Location</b>                                       | Ravenscot, Burnham Road, Althorne   |
| <b>Proposal</b>                                       | Single storey extension used as an annexe and link extension (amendment to previous approval ref: HOUSE/MAL/16/01057) |
| <b>Applicant</b>                                      | Mr & Mrs Bowles   |
| <b>Agent</b>  | Ms Nicola Wombwell – Nwg Design   |
| <b>Target Decision Date</b>                           | 24.10.2019  |
| <b>Case Officer</b>                                   | Louise Staplehurst  |
| <b>Parish</b>   | <b>ALTHORNE</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Member of Staff   |

**7 CONSULTATIONS AND REPRESENTATIONS RECEIVED**

**7.1 Representations received from Parish / Town Councils**

| <b>Name of Parish / Town Council</b> | <b>Comment</b>  | <b>Officer Response</b> |
|--------------------------------------|---|-------------------------|
| Althorne Parish Council              | Unfortunately, due to the Parish Council being inquorate, Althorne Parish Council are unable to comment on this planning application. | Noted.                  |

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**MEMBERS' UPDATE**

**AGENDA ITEM NO. 12**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>HOUSE/MAL/19/00863</b>   |
| <b>Location</b>                                       | 2 Brook Lane, Asheldham   |
| <b>Proposal</b>                                       | Demolition of existing carport / store & erection of single storey annex, first floor extension over existing kitchen wing & additional surface parking |
| <b>Applicant</b>                                      | Mrs Hannah Sams   |
| <b>Agent</b>  | Mr Patrick Stroud - Sole Practitioner   |
| <b>Target Decision Date</b>                           | 22.10.2019  |
| <b>Case Officer</b>                                   | Annie Keen  |
| <b>Parish</b>   | <b>ASHELDHAM</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In  |

**7 CONSULTATIONS AND REPRESENTATIONS RECEIVED**

**7.2 Representations received from Statutory Consultee**

| Name of Statutory Consultee / Other Organisation | Comment  | Officer Response |
|--|--|------------------|
| Highways Authority                               | No objection raised subject to a condition regarding bridleway number 16, which shall remain free and unobstructed at all times. | Comments noted   |

**7.3** Please note the consultation response from the Tree Consultant in section 7.3 of the report was included in error. The Tree Consultant was not consulted for this application.

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