

**CIRCULATED AT
THE MEETING**



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
15 JULY 2019**

MEMBERS' UPDATE

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 (Extension of time agreed until 19.07.2019)
Case Officer	Anna Tastsoglou
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In Cllr Stamp has requested the application to be presented before Members of the South Eastern Area Planning Committee on the grounds of public interest.

4 CONSULTATIONS AND REPRESENTATIONS RECEIVED

4.1 Representations received from Interested Parties

4.1.1 1 letter of representation was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
There will be a significant increase in vehicle movements at the site which will require more than 8 spaces. Some drivers who cannot enter and turn in the site will have to stop on the B1010, which is a road safety concern.	Vehicle parking requirements are addressed in the original officers report There is ample parking at the site, and the Local Highway Authority raises no objection.

<p>The parking arrangements would be detrimental to the local residential character.</p> <p>A minibus is likely to be required at the site and so there would be a requirement for nine spaces. No information on vehicle types has been provided and so the assessment is based on assumptions and not facts.</p> <p>The increased vehicle movements will increase pollution.</p> <p>A single-family unit would be quieter throughout the day time period. A children home with five children and six staff would create more noise and it is likely that the challenging children aged 10-18 living at the home will be louder and more disruptive than children from a stable background.</p> <p>The applicants should be reminded to adhere to Maldon District Council's Good Neighbourhood Guide should permission be granted.</p> <p>The home would be better placed in a larger settlement such as Chelmsford or Basildon where there is a greater range of services and amenities on offer and in closer proximity to home. Burnham has limited facilities and activities for 10-18 year olds and so is contrary to criteria 2 of policy H3.</p> <p>There is likely to be more suitable sites for the proposal in Essex. The proposal is therefore, contrary to policy H3. There are two examples of children's homes opening in the District since 2008, Asheldham and Nyala. Therefore there is no identified need in Burnham. No evidence of revenue funding has been submitted contrary to criteria 7 of policy H3</p> <p>There have been four police visits to Mayland</p>	<p>The proposed parking arrangements already exist at the site.</p> <p>The application has been assessed in accordance with the vehicle parking standards.</p> <p>It is not considered the limited scale of the development will significantly impact on pollution levels.</p> <p>Noise impacts were fully considered as part of the original report.</p> <p>This is not a planning matter and would be dealt with through the appropriate channels if required.</p> <p>The site is situated in a sustainable location within a main settlement. Therefore, the services and facilities are considered to be adequate.</p> <p>It is noted that the need is assessed on a County and not Ward level. Thus, it is impossible to identify such a localised need for the proposed development. However, information has been submitted with the application of the need for this type of accommodation and this was assessed against policy H3 for accommodation for specialist needs and found to be acceptable.</p> <p>This application must be assessed on its own</p>
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<p>premises and a formal complaint made against the home, although resolved. This demonstrates that there can be significant disruption caused.</p> <p>The applicant could apply to expand the home in the future, which would increase the harm. Therefore, a temporary licence is requested to assess the impacts of the home. This is a measure which has been used in neighbouring districts</p>	<p>merits. It cannot be assumed that the application site will have the same issues.</p> <p>The application must be assessed on what is proposed at this time and not future speculations. It should be noted that the imposition of a condition on a grant of planning permission depends on the specifics of the case and each application must be determined on its own merits.</p> <p>The Planning Practice Guidance states that <i>“A condition limiting use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity.”</i> The application was assessed against development plan and found to be acceptable. On that basis, the imposition of a condition restricting the period of the permission would fail to meet the six test of planning conditions as set out in paragraph 55 of the NPPF (necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respect).</p> <p>Furthermore, Government guidance within the PPG states that <i>“Conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness.”</i> It is therefore considered that the financial implications of the imposition of a temporary permission would be disproportionate and thus, not appropriate.</p>
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