



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

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

Application Number	FUL/MAL/19/00861
Location	Chartwell, 120 Maldon Road, Burnham-On-Crouch, Essex, CM0 8DB
Proposal	Permanent 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	Mr John Pearce - Attwells Solicitors
Target Decision Date	03.10.2019 (EoT agreed: 11.10.2019)
Case Officer	Anna Tastsoglou
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Previous Committee decision

1. **RECOMMENDATION**

APPROVE subject to conditions as detailed in Section 8.

2. **SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	03/06/2019
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 It should be noted that the Director of Strategy, Performance and Governance has requested that this application is presented at committee due to public interest and concerns previously raised by Members regarding the proposed development. This was accepted by the Chairman of the Committee.

Site description

- 3.1.2 The application site is located on the northern side of Maldon Road, west of its junction with Southminster Road and it is occupied by a large two storey dwelling sited within a large plot. The property has a deep front garden, which is mainly used for parking purposes. The rear garden is mainly soft landscaped with various children's play equipment installed.
- 3.1.3 The site is located within a residential area of Burnham-on-Crouch, which comprises dwellings of varying scale, mass and design. Although not uniform in character and appearance, the majority of the properties are sited in large plots, maintaining gaps between them and a strong front building line.
- 3.1.4 It is noted that the site to the north partially abuts the Ormiston Rivers Academy.

Description of proposal

- 3.1.5 Planning permission is sought for permanent change of use of the residential property to a residential children's home (Use Class C2).
- 3.1.6 The application is a resubmission following the approval of application reference FUL/MAL/19/00465 for a temporary period of three years. The reasons for the temporary permission was to allow the Local Planning Authority to re-assess the impact of the development upon the residential amenity of the neighbouring occupiers, the parking provision and the character of the area. The current application is of the same nature with the previously approved application but seeks permission for a permanent change of use of the site.
- 3.1.7 The purpose of the proposed residential children's home is to support children with their personal, social and educational lives. The current application is supported by a statement that includes further information in relation to the operation of the proposed children's home, as well as additional details responding to the concerns previously raised and concluded to the imposition of a condition restricting the time period of the permission. These matters are discussed in detail below within the main body of the officer's report.
- 3.1.8 The home would care and provide accommodation for up to five children between the ages of 10 and 18 with one additional bed for an emergency placement. There would be six part time staff and seventeen fulltime staff. It is stated that at full capacity a total of six staff would be on site during day time and three over nights. Additional

staff may attend as and when required. No external alterations or additions are proposed to the existing property.

3.2 Conclusion

- 3.2.1 The proposed development has been assessed against all material planning considerations and given consideration to the additional information provided with the application and the clear policy support for the provision of housing for people with specialist needs it is considered that the proposed development would be acceptable in principle on a permanent basis. The development would also support the Council's requirement for the creation of employment opportunities. The development would not result in external alterations and therefore, it would not have an adverse impact on the character of the area. The parking area to the front of the site, is already hard surfaced and used for parking purposes. According to the details submitted, even at full capacity, the parking area would not be occupied by a number of vehicles that would result in a visually harmful impact. On the basis of the additional information provided, it is considered that the development would not be detrimental to the residential amenity of the neighbouring occupiers and it would not result in an increased vehicle movement or on-street parking that would be harmful to highway safety. The development would also provide good quality accommodation for the young people occupying the site. Therefore, the development, subject to appropriate conditions, is considered acceptable and in accordance with the aims of the development plan.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 80-82 Building a strong competitive economy
- 59-66 Delivering a sufficient supply of homes
- 91-94 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S2 Strategic Growth
- S6 Burnham-on-Crouch Strategic Growth

- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- E1 Employment
- H3 Accommodation for ‘Specialist’ Needs
- T1 Sustainable Transport
- T2 Accessibility

4.3 Burnham-on-Crouch Neighbourhood Development Plan (7th September 2017):

- Policy HO.1 – New Residential Development

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Design Guide (1997)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The Maldon District Local Development Plan (MDLDP) has been produced in light of the original NPPF’s emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).

5.1.2 Policy S1 of the Local Development Plan (LDP) advises that to support sustainable development policies and decisions should take into consideration the key principles, which *inter alia* include the support of a healthy and competitive economy and the delivery of a sustainable level of housing growth that meets the local needs in sustainable locations.

5.1.3 The proposal is to change the use of an existing property from residential dwelling (Use Class C3) to a residential institution (Use Class C2) where people live in a residential environment but receive care and supervision. In this particular case, the proposed development would provide accommodation for children with emotional and behavioural difficulties. However, the submitted information highlights that the majority of young people are not looked after as a result of their own behaviour but rather down to parental issues.

5.1.4 Policy H3 of the LDP supports the provision of housing to meet specialised needs in the District and therefore, although the development would result in loss of an existing conventional dwelling, it would provide accommodation for people with specialised needs. Whilst the compliance of the development with policy H3 is

further assessed below, in relation to the loss of an existing dwelling, it is noted that the Council can demonstrate a supply of deliverable homes in excess of five years and therefore, the loss of one market dwelling to provide specialised accommodation is not considered that would detrimentally harm the supply of homes in the District. This taken together with the fact that the development would provide accommodation for children with specialised needs to improve their health, social and cultural well-being in accordance with paragraph 92 of the NPPF, it is considered that would weigh in favour of the proposed development against the loss of one dwelling.

5.1.5 The proposed development would provide accommodation for up to five children between the ages of 10 and 18 with one additional bed for an emergency placement. As noted above the application is supported by a Statement of Purpose of the proposed development which explains the nature of the development and how the facility will be run. According to the registration details the development would be run by Personal Security Service Care Group which is a company providing specialist care facilities and is registered and inspected by the Office for Standards in Education, OFSTED. Within the statement it is advised that the children referred to the unit may exhibit one or more of the following:

- Behaviour that challenges, including verbal and physical aggression.
- Self injury or harm.
- Attention Deficit Hyperactivity Disorder (ADHD).
- Language/ communication difficulty or delay.
- Autistic Spectrum Disorder (ASD) including Pathological Demand Avoidance (PDA) & Asperger's Syndrome.
- Oppositional Defiant Disorder (ODD).
- Attachment difficulties or disorders.
- Mild to Moderate Learning Disability.
- Mental Health needs.

5.1.6 The aim of the proposed accommodation is to help young persons to achieve positive differences in their personal, social and educational lives, opening up and creating options for their future and in this way strive to achieve their full potential in their future lives. The submitted statement advises that at first floor there are five bedrooms and each young person would benefit from their own room. Although education is not excepted to be offered on site, young persons would have their own individual plan detailing their educational interests, hobbies and independent needs. Young People who have special educational needs will be supported following the guidance and details in their personal Education, Health and Care Plan.

5.1.7 Policy H3 of the LDP states that "*Proposals for specialist needs housing such as homes for older people, people with disabilities, or homes for other specific groups who may require properties that are specifically designed and / or allocated will be supported where:*

- 1) There is a clearly identified need that cannot be addressed elsewhere in the District;*
- 2) The development is located in an area that is sustainable to meet the social as well as housing needs of the intended residents;*
- 3) It will not lead to a concentration of similar uses that would be detrimental to the character and function of an area and/or residential amenity;*
- 4) It will not detrimentally impact on the capacity of public services, including health and social care;*

- 5) *It Is in close proximity to everyday services, preferably connected by safe and suitable walking / cycling routes or public transport appropriate for the intended occupier;*
- 6) *It can be demonstrated that the development is designed and managed to provide the most appropriate types and levels of support to its target resident;*
- 7) *It can be demonstrated that revenue funding can be secured to maintain the long term viability of the scheme; and*
- 8) *The scheme is supported by the relevant statutory agencies.”*

5.1.8 To identify whether the proposal complies with policy H3, the following assessment against the abovementioned eight criteria is carried out:

- 1) It was previously confirmed, as part of application FUL/MAL/19/00465 that there are not enough beds in residential homes for children in Essex. Consequently, there are a number of Essex children placed out of the county. The register provided who submitted the application for the change of use of the site, wishes to support the Local Authority to place their children in county. Although there is no identified need particularly in Burnham, it is stated that when placement teams search for provisions they are generally looking for locations that offer facilities and security. Due to its location, Burnham-on-Crouch provides a sense of security and an accessible enough location for Social Workers and other professionals to access. Furthermore, Burnham offers a number of facilities and experiences for teenagers, such as a secondary school, cinema, sailing clubs, fitness clubs and sports facilities, which are ideal for young people, as those who would reside in this residential children’s home. On the basis of the above justification, it is considered that there is an identified need in Essex that needs to be met and the location of this property meets the criteria for the proposed specialised needs type of accommodation.
- 2) The site lies within the settlement boundary of Burnham-on-Crouch which is classified as a “Main settlement” by LDP policy S8 and so has a range of services and opportunities for employment, retail and education and it is also provided with good public transport links. As such, it would be regarded as a sustainable location. The applicant advises that the children will be encouraged to join local sports or other groups.
- 3) It is understood that the nearest children’s homes are in Mayland, which was approved in 2016 (FUL/MAL/16/01058). There are also further similar residential children’s homes in Tiptree, Chelmsford and Colchester. On that basis, the development would not result in a concentration of similar uses in the area which could be harmful to the character of the area.
- 4) Whilst the occupiers’ needs may be marginally greater than that of a conventional household, at least some of these needs could be addressed directly by staff and net impact is likely to be small. The development would be subject to occasional school workers’ visits every six weeks and children’s review visits every six months, which are expected to reduce the need of use of existing social care services.

- 5) The site is located in a sustainable location in terms of its accessibility to facilities and services, most of them, including schools, transport and everyday services, within safe walking distance.
- 6) The information accompanying the application demonstrates that an appropriate level of support and care would be provided for the targeted group of people occupying the site. This would include everyday care, safeguarding and care plans specialised to each individual, as well as occasional school workers' and children's review visits.
- 7) Although no details of revenue funding have been provided to the authority, it is noted that PSS Care Group is a registered provider offering services to local authorities and it is licensed by OFSTED.
- 8) The home must be registered with OFSTED which will carry out at least two inspections per year. In addition a monthly independent inspection is carried out which is reported to OFSTED. This will ensure that the development is supported and inspected for its lifetime.

5.1.9 It is noted that there is generally national and local planning policy support for the provision of specialist facilities that support those members of the community that have specialist needs. Over the years, there has been a move away from the type of facilities that are provided in large institutions to smaller facilities being provided within the community. LDP policy H3 sets out the criteria against which such development should be assessed. As assessed above, the development is compliant with policy H3 and the aims of the local plan and national guidance. Thus, the proposal is considered acceptable in principle.

5.1.10 The proposed residential children's home would provide six part time and seventeen fulltime jobs, including a dedicated Deputy manager, Team Leaders working together with Registered Managers, as well as staff providing care, support and site maintenance. On that basis, the development would also support the Council's aim to provide employment generating opportunities to meet the need for 2,000 net additional jobs by 2029. As such, the development would also comply with policy E1.

5.1.11 In light of the above assessment, the principle of the proposed development is considered acceptable. Other material consideration relating to the impact of the development on the character of the area, the living conditions of the future and neighbouring occupiers and any highways issues are assessed below.

5.2 Housing Need and Supply

5.2.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 60 of the NPPF where it requires local authorities *'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be*

planned for'. Paragraph 61 continues stating that "Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies".

- 5.2.2 Following the publication of the February 2019 Government results of the Housing Delivery Test (HDT) the Council has revised the October 2018 Five Year Housing Land Supply (5YHLS) statement to apply a 5% buffer for choice and competition. On the basis of the March 2019 5YHLS results the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' (6.34) worth of housing against the Council's identified housing requirements.
- 5.2.3 On the basis of the above, it is evident that the Council can meet its housing needs and provide a supply of home in excess of five years. Thus, the loss of one dwelling to provide a different type of residential accommodation would not result in a shortfall of housing that would make the Council unable to meet its housing needs.

5.3 Design and Impact on the Character of the Area

5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents".

5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
- b) *Height, size, scale, form, massing and proportion;*
- c) *Landscape setting, townscape setting and skylines;*
- d) *Layout, orientation, and density;*
- e) *Historic environment particularly in relation to designated and non-designated heritage assets;*

- f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
- g) *Energy and resource efficiency.*

- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.5 The proposed development would not involve external alterations to the existing property and thus, no objection is raised in relation to the appearance of the property and its relationship to the wider area.
- 5.3.6 One of the reasons for the imposition of the condition restricting the time limit of the permission for a period of three years was to assess whether the development would have an impact on the character of the area, due to its alternative use. The concern was raised predominantly in relation to the potential impact caused from the extensive use of the front curtilage of the property for parking purposes. The additional supporting information provided with the current application highlights that although 24-hour cover will be provided, this will be on a rotational basis. On full capacity, six members of staff will be present on site. Taking the worst-case scenario, when all members of staff individually drive to work in their own vehicles, a maximum of six vehicles will be on site. The presence of a maximum of six vehicles on the existing hard surfaced area of the site, which is a large unit and can potentially accommodate ten vehicles, it is not considered being detrimental to the appearance of the streetscene or have a visually discordant impact on the character of the area. Consideration should be had to the fact that the existing dwelling can potentially be used by a large family (five-bedroom dwelling with an annex), including older children with access to their own vehicles and grandparents, with their own vehicle(s). On that basis, it is considered that the increased impact, in terms of vehicles being parked on site, from the proposed children's accommodation would be marginally greater (if at all). It should be also taken into account that the site is located in a sustainable location, with access to public transportation and within the boundaries of the settlement. As a result, it is likely that the staff would use alternative to private vehicles modes of transport.
- 5.3.7 The development would still provide accommodation in a form of a domestic household and as addressed above, the potential increased impact from the use of the front curtilage for parking purposes would be minimal and not materially harmful to the character of the area. Thus, it considered that on the basis of the information provided, the proposed development would not significantly alter the functionality or the character of the property itself or adversely impact on the character and appearance of the wider area. The concerns raised in relation to the impact of the development on the character of the area are considered unfounded to justify the imposition of a temporary permission.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.

- 5.4.2 The application site is surrounded by residential dwellings and partially to the north by a school. The dwelling is a five bedroomed dwelling and no physical changes to the dwelling are proposed. The proposed development would provide accommodation for up to five children who will be living as a household albeit with care and supervision. The applicant has submitted a supporting statement, to address some of the concerns previously raised in relation to the impact of the development on the amenities of the neighbouring occupiers.
- 5.4.3 It is noted that a high level of supervision and support for the young people in their care is proposed, with a range of on-site educational and recreational activities. Furthermore, it is confirmed that the home would be subject to inspections and regulation by OFSTED. It is highlighted that complaints can be raised directly to OFSTED and the applicant has an obligation to respond to all complaints and are formally regulated against this on a monthly basis by an independent person (regulation 44 of The Children's Homes (England) Regulations 2015). The independent person writes a report on the home and this report is then passed over to OFSTED, the Local Authority and all the Placing Authorities. It is considered that the information submitted by the applicant provides justification that all necessary steps would be followed to reduce any beyond acceptable increase of noise levels from the young children. It should be noted though that the decorum of occupants is not controlled by planning and it should not be necessarily assumed that the chances of the proposed use resulting in antisocial behaviour are greater than those of a conventional residential use.
- 5.4.4 It is noted that at full capacity there would be a total of six members of staff during day time and three staff overnight. Details of the forecasted activity on site have been submitted. At day time activity is expected between 7.30 and 10.00 hours, when the staff on day shift would arrive on site, as well as the manager. School pick up and grocery delivery have also been included within the expected morning vehicles movements. In the afternoon, vehicle movements are expected to be created due to school drop off, lifts to support social activities and night shift staff. These movements would take place between 14.00 and 20.00 hours. Except of the abovementioned movements, occasional school work visits every six weeks and children's review visits every six months would occur. It is considered that the above stated vehicle movements are not at dissimilar hours to those of a conventional domestic household, given they are at times that people commute to work and pick up their children from school. It is also not unusual that families have grocery deliveries at home. Therefore, on balance, it is considered that the movements would be at times similar to those of the movements expected to occur at a family house. Although it is acknowledged that the number of vehicles may be marginally greater than those of a domestic household, consideration should be had to the fact that the current property is a five-bedroom dwelling with an annex and thus, could be occupied by many people that have access to their own vehicles (further discussed in para's 5.3.6 and 5.3.7). The occasional six-week and six-month visits are not expected to result in a vehicle movement demonstrably harmful to the amenities of the neighbouring occupiers. It is therefore considered that the information provided, is sufficient to demonstrate that any potential impact caused to the amenities of the neighbouring occupiers, in terms of noise and disturbance, would not be materially greater than that of the current use of the site or at unsociable hours to justify the need of a condition restricting the time period of the permission.

5.4.5 In light of the above assessment, it is considered that information provided with the current application is sufficient to demonstrate that the impact of the development on the residential amenity of the neighbouring occupiers would be acceptable and addresses the concerns that necessitate the impositions of a temporary permission condition.

5.5 Access, Parking and Highway Safety

5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.5.2 Access to the site would be gained off of Maldon Road, utilising an existing vehicular access. No new access is proposed to be formed and therefore, the development would be accessed via an acceptable access, sufficient to allow a safe access and egress of vehicles from the site.

5.5.3 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

5.5.4 In terms of off-street parking spaces, the following are the requirements set out in the vehicle parking standards for residential care homes:

- 1 space per residential staff
- 1 space per 2 other staff
- 1 space per 3 bed spaces / dwelling units

5.5.5 As noted above, there would be six part time staff and seventeen fulltime staff. However, it is stated that at full capacity a maximum of six staff would be on site at any one time. On that basis, a maximum of six vehicles would be parked on site if assumed that all employees are using private vehicles for commuting. Given that the proposed development would provide accommodation for five children an additional two parking spaces should be provided in accordance with the Vehicle Parking Standards SPD. Thus, a total of eight parking spaces would be the parking

requirement for the proposed use. The site benefits from a large sized front garden, which is laid with gravel and it is used for parking purposes. It is considered that around eight parking spaces could be provided on site allowing sufficient turning space for vehicles to exit the site in forward gear.

5.5.6 Considering the information provided by the applicant, in the worst-case scenario of all employees using their individual vehicle to access the site, six vehicles would be parked on site (if all night shift staff is still on site when all day shift staff is on site). A school bus and a grocery delivery vehicle would also temporarily park on site at day times, when the majority of vehicle occupancy of the parking area is expected. Therefore, the site can provide sufficient parking space for the above number of vehicles, without obstructing the free flow of traffic or resulting in highway safety issues. As a result, it is considered that the development would provide sufficient off-street parking that meets the needs of the proposed development.

5.5.7 The proposed development would require one cycle parking space per two members of staff and an additional one per beds for visitors. Similar to the above assessment, considering that the maximum number of staff on site at one time would not exceed six, the cycle requirement would not be greater than six for the staff. One more cycle space would be required for visitors. Therefore, a total of seven cycle spaces would be required to be provided. Whilst not required by the Council's Vehicle Parking Standards, any additional cycle parking provision would be welcomed to be used by the young people residing on the site. Although no details of adequate cycle parking have been provided, the site benefits from a large sized rear garden where a cycle store can be provided for both staff and young people living on site. This is to promote sustainable modes of transport and therefore, a condition would be imposed for the cycle store details to be submitted and approved in writing by the Local Planning Authority (LPA).

5.5.8 In relation to vehicle movement, the applicant has submitted the following details:

Morning

07:30 - Staff arrive on shift (some may have slept in), night staff depart.

08:00-10:00 - School Drop Off (it should be noted that Ormiston Rivers is a 2 minute walk so any young people attending this school would walk)

09:00 - Manager on site

10:00 - Grocery run

Afternoon

14:00-16:00 - School Pick Up

16:00-19:00 - Lifts to support social activities, clubs and family contact (average of 2 trips per night).

20:00 - Night staff arrive on shift day staff depart.

5.5.9 On the basis of the above details, it is not expected that the forecasted vehicle movements would be materially greater than those of the current use of the site (large sized dwelling with an annex) to an extent that would justify the need of the imposition of a condition restricting the time period of the permitted development. The impact of the development on the existing highway network is not expected to be materially detrimental.

5.6 Private Amenity Space and Living Conditions of the Future Occupiers

- 5.6.1 The existing large sized rear garden will be retained and be available to be used by the children. Therefore, no objection is raised in terms of the provision of sufficient outdoor amenity space to meet the needs of the young people residing on site.
- 5.6.2 As discussed above, the property has five bedrooms at first floor and each young person would have their own private room. Additional communal spaces, including a lounge a dining room and a day room are also provided and therefore, a good level of accommodation would be able to be provided for the children occupying the site.

5.7 Other Matters

- 5.7.1 The submitted Supporting Statement makes reference to the appropriateness of the previously imposed condition that restricted the use of the site for a temporary period of three years. It is stated that the condition is unreasonable and that it imposes an unjustifiable financial burden. It is advised that the necessary modifications for the conversion would include renovation to requisite standards, in particular replacing the bathrooms and modernising the kitchen, painting, plastering. Furthermore, it is advised that fire alarms are approximately £8000-£10000 for the wireless system, fire doors are required and electricians often need rewiring to ensure all Health and Safety requirements are met.
- 5.7.2 It is also highlighted that although the time period given was for a period of three years, any subsequent application would have to be submitted significant time before the expiry of the permission, increasing the financial risk to allow the applicant to invest into the property and commence the use.
- 5.7.3 It is stated that the previously approved temporary permission would potentially result in upheaval for the children, harming their ability to blend with the community and progress of individuals within society.
- 5.7.4 It has been raised that the Council previously approved an application of a similar nature in Mayland (FUL/MAL/16/01058) without imposing a condition for a temporary permission. Although it is acknowledged that permission for a similar proposal was previously approved elsewhere, it should be noted that this permission was granted prior to the adoption of the Local Development Plan and also each application is assessed on its own merits.
- 5.7.5 Paragraph 55 of the NPPF requires “*planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects*”. Furthermore, the Planning Practice Guidance states that “*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.*”
- 5.7.6 It is considered that the submitted information is sufficient justifying that the proposed use would not be harmful to the character of the area, the amenities of the neighbouring occupiers and it would not adversely impact upon highway safety and parking capacity. Furthermore, the financial burden imposed to the application, given that no material harm is expected to be caused by the proposed development, would

be unreasonable. It is therefore considered that the details provided with the current application are sufficient to allow the permanent conversion of the property to a residential children's home and the previously imposed temporary permission is no longer considered meeting the six tests of planning conditions as set out in paragraph 55 of the NPPF; in particular those requiring conditions to be reasonable and necessary.

5.8 Pre-Commencement Conditions

5.8.1 No pre-commencement conditions are proposed.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/19/00465** - Change of use from Class C3 dwellinghouse to a residential children's home Class C2 (residential institution). Temporary planning permission granted

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	No comments received at the time of writing the application. However, the Town Council previously supported the proposal.	No comment.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No comments received at the time of writing the report. However, no objection was raised previously for an application for the same development (FUL/MAL/19/00465).	No comment.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Team	No comments received at the time of writing the report. However, no objection was raised previously for application reference FUL/19/00465.	No comment.

7.4 Representations received from Interested Parties

- 7.4.1 One letter was received at the time of writing the report **objecting** to the application and the reasons for objection are summarised in the table below:

Objection Comment	Officer Response
With the exception of vehicle movements, no attempt has been made to address any of the concerns raised by the local neighbours.	It is noted that the applicant had to address the concerns that resulted to the imposition of the temporary condition. The new information provided by the applicant is assessed in detail within the main body of the officer's report.
There are parts within the submitted Statement of Purpose that have been left blank, such as the grating by OFSTED.	It is considered reasonable that such parts within the submitted document remain blank, given that the approved use should first commence in order to be assessed and get a grading by OFSTED.
The submitted information support the previous argument that the development would result in a noise, visual and general disturbance impact.	These matters are assessed within sections 5.3, 5.4 and 5.5 of the Officer's report.
Limited public transport.	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.
It is not addressed how this intensification of use is safe taking into account the proximity of the main road and junction.	Although no comments from the Highway Authority have been received yet, it is noted that no objection was raised before for the same proposal (FUL/MAL/19/00694).
Impact from increased noise levels,	This matter is addressed in section 5.4.

Objection Comment	Officer Response
which the Environmental Health Team would not be able to deal with, due to the use of the site.	
The proposal would result in disturbance due to behavioural issues.	It is noted that the decorum of occupiers is not controlled by planning. The matter is further addressed in section 5.4 of the report.
The previously imposed condition restricting the temporary use of the site as residential children's home should be retained.	Noted and addressed within the main body of the officer report.

8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with approved drawings: Location Plan and Block Plan.
REASON To ensure the development is carried out in accordance with the details as approved.
3. The development hereby approved shall only be used as a children's home and for no other use within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless otherwise agreed in writing by the local planning authority.
REASON To protect the amenities of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
4. Details of a cycle stores shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity thereafter.
REASON To ensure that adequate bicycle parking and refuse facilities are proposed in accordance with policies D1 and T2 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.