

**CIRCULATED
BEFORE THE
MEETING**



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

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

MEMBERS' UPDATE

AGENDA ITEM NO. 10

Application Number	19/00861/FUL
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 ision 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

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	Object for the following reasons: <ul style="list-style-type: none">• Lack of school places.• Increase in the number of vehicles in comparison to a private dwelling• Dangerous access close to a busy junction• Late night noise• Concerns about	All comments raised have been addressed within the officer report and officer response to neighbours' comments.

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

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

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Objection Comment	Officer Response
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

Objection Comment	Officer Response
	<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>

Objection Comment	Officer Response
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.	