



DEVELOPMENT MANAGEMENT COMMITTEE

THURSDAY 29 FEBRUARY 2024

PRESENT: Councillors K Bowker (Chair), P Greig (Vice-Chair), A Acott, G Howlett, R Lillis, C Sach, R Savage, T Skipp J Thornton and G Watson.

SUBSTITUTE MEMBERS PRESENT: None.

CANVEY ISLAND TOWN COUNCIL: None.

ALSO PRESENT: Councillors M Fuller and A Thornton.

OFFICERS PRESENT: S Garner, S Worthington and J Whitby.

APOLOGIES: Canvey Island Town Councillor S Sach.

33. MEMBERS' INTERESTS

No interests were declared.

34. MINUTES

The Minutes of the meeting held on 6 February 2024 were confirmed as a correct record and signed by the Chair.

35. PUBLIC SPEAKERS

Mr M Silk – for item 5(1)

36. DEPOSITED PLANS

(a) 23/0615/FUL – 49 KILN ROAD, THUNDERSLEY, BENFLEET, ESSEX, SS7 1TA

The Committee considered an application seeking permission for the change of use from Class C3 (dwelling house) to Class 2 (residential institution). The application had been called into the Committee on the grounds of potential noise and disturbance to the amenity of neighbours, as well as to ensure that the wider needs of the potential users of the facility were met by the proposal. A similar proposal had been refused by the Committee in September 2023; that decision had been appealed by the applicant.

It was emphasised by officers that no weight could be applied to news articles that had been circulated to Members highlighting that private healthcare provision was causing financial problems for the delivery of childcare, also causing undue stress on Council budgets; the finances involved were not material planning considerations. It was further noted that the application was accompanied by a location risk

assessment; however, this was not a requirement of the planning process and there was no requirement in planning policy, either locally or nationally.

In response to a Member query relating to the age limits of children who might use the proposed facility, officers advised that no age limits were proposed with the application. Officers further confirmed, in response to a Member question relating to inspection of the facility by ECC/Ofsted and safeguarding that these issues were covered by different legislation to planning and were not material planning considerations.

Responding to a Member question relating to a proposed condition by Environmental Health on page 12 of the report relating to a nominated adult living on the premises, officers advised that it was not a requirement for a member of staff to live on site; however, condition 6 set out on page 19 of the report stipulates that there should be a member of staff on site at all times that children are at the property. Officers further advised, in response to a further Member question relating to parking on site, that parking was limited; however, it was not possible to enforce the use of public transport by staff.

Responding to Member concern relating to the level of amenity space offered to potential occupants of the facility, officers emphasised that the application site was in close proximity to public open spaces to the rear of the Council offices and at Thundersley Glen.

Although some Members raised concern about the location of the site for vulnerable children being close to the A13, the point was also made that a family could move into the property with 3 children who would live in proximity to the busy road. There was a legal obligation for somewhere safe to be provided for children in care to live.

Councillor K Bowker moved a motion, seconded by Councillor P Greig, that planning permission be granted, subject to the conditions and informative set out in the report, and this was approved on a show of hands.

Resolved

That planning permission be granted, subject to the following conditions and informative:

Conditions

1. The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.
3. The submitted Operating Management Plan dated 6 February 2024 shall be adhered to at all times. Any variations to this management plan shall be submitted to and formally approved in writing by the Local Planning Authority prior to their implementation.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and the Town and Country Planning (Use Classes) Order 1987, as amended, (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting those Orders) the property shall only be used as a children's residential care home for children up to the age of 18 or as a C3 use and for no other use without the prior formal consent of the local planning authority.
5. No more than three children up to the age of 18 shall be permanently housed at the property without the prior written consent of the local planning authority.
6. There shall be a member of staff on site at all times that children are at the property in order to ensure that the operating management plan is enacted and that the use of the property is properly managed through the appropriate supervision of those living at the address.

Informative

The local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and determining the proposal in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

(b) TPO 4/2023 – 7 KINGSTON WAY, 8 KINGSTON WAY AND 64 KENNETH ROAD, THUNDERSLEY, BENFLEET, ESSEX, SS7 3AP/SS7 3AT

The Committee considered an application to confirm a tree preservation order (TPO) made under delegated powers.

Officers confirmed, in response to a Member question, that a number of the trees were in residential gardens. Responding to a further Member query as to how much weight might be applied to the visibility of the trees, that there was sufficient view of the trees from both public and private land to afford amenity.

In response to a further Member question as to whether residents could trim back branches of trees under the protection of a TPO in their gardens, officers advised that TPO legislation included provisions for appropriate tree management; residents would have to submit a free application for carrying out, for example, crown works. If work was needed more urgently then this could be carried out but the Borough Council would have to be notified of any such urgent works. Responding to a supplementary question as to what recourse existed for unauthorised works, officers advised that for any works that were acceptable residents would be educated in the correct process for any future works needed. However, the Council had powers to act in the event of, for example, trees being illegally felled; residents could be fined and required to plant replacement trees.

Cllr K Bowker moved a motion, seconded by Cllr P Greig, that provisional tree preservation order TPO 4/2023 be confirmed, and this was unanimously approved.

Resolved

That tree preservation order TPO 4/2023 be confirmed.

Chair -----

Date -----