



**NOTES of
COVID-19 INTERIM MEASURES GROUP
20 MAY 2020**

PRESENT

Councillors: R G Boyce, Chairman of the Council, AS Fluker, Leader of the Council and W Stamp (Substituting for M S Heard, Leader of the Opposition)

Directors: Mr Richard Holmes, Director of Service Delivery and Mr Chris Leslie, Director of Resources

Officers: Mr Matt Leigh, Lead Specialist Place and Ms Annie Keen, Senior Caseworker, Planning

1. WELCOME AND INTRODUCTIONS

The Director of Service Delivery opened the meeting and welcomed all present. He reminded the meeting that the decision on the application rested with the Directors in consultation with Members whose views would be sought during the meeting.

2. DECLARATIONS OF INTEREST

Councillor A S Fluker declared in the interest of openness and transparency on agenda Item 1- 8 The Cobbins, Burnham-on-Crouch, Essex, CM0 8QL, as he knew a relative of the applicant.

Councillor W Stamp declared a non-pecuniary interest in Agenda Item 1- 8 The Cobbins, Burnham-on-Crouch, Essex, CM0 8QL, as Ward Member she knew the residents.

3. 20/00364/HOUSE - 8 THE COBBINS, BURNHAM-ON-CROUCH, ESSEX, CM0 8QL

Application Number	20/00364/HOUSE
Location	8 The Cobbins, Burnham-On-Crouch, Essex CM0 8QL
Proposal	Proposed part single, part 2 storey side / rear extensions. Including roof alterations to proposed attached garage with planning approval ref HOUSE/MAL/19/01092.
Applicant	Mr & Mrs Lambert

Agent	Mr Ashley Robinson - Ashley Robinson Property Designs
Target Decision Date	28.05.2020
Case Officer	Annie Keen
Parish	Burnham-on-Crouch North
Reason for Referral to the Committee / Council	Member Call In - Councillor W Stamp Reason: H4 and S6

Following the Officer's presentation, the Lead Specialist Place took the meeting through the report addressing concerns expressed in recent emails relating to both the report and the recommendation.

Firstly, he advised that the report outlined the main planning issues and material considerations. He acknowledged that the inclusion of the garage in the report may have led to some confusion regarding the applicant's position. However, the fact that the garage had been granted planning permission by South East Area Planning Committee in 2019 was a material planning consideration in determining this application, therefore appropriate to include in the report.

Referring to the plans for this application he clarified that the percentage of floorspace in the Officer's report included the previous permission for the garage, together with the proposed new extension.

He concluded by reminding the meeting that unfortunately personal circumstances would have to be very special to outweigh the harm identified to planning policy. Planning had to consider the life time of the development.

A lengthy discussion ensued around the issue of size and bulk and the housing mix on the estate. Councillor Stamp referring to the Cobbins Estate said that the proposed application was no bigger than some of the existing houses. The Lead Specialist Place advised that each application had to be determined on its own merit. Parts of this development would have been approved prior to the National Planning Policy Framework (NPPF) and Local Development Plan (LDP). That the general acceptance was that additions should appear subservient, not dominant, within the site and to the main dwelling and that the special circumstances for one of the annexes had fallen away.

Councillor Fluker noted that it was a subjective view that the application contravened policies D1 and H4 of the LDP and asked to see the existing and proposed elevations. At this point the Lead Specialist Place, for the purpose of clarity, explained that the dotted outline on the elevation represented the garage that already had extant planning permission

Councillor Fluker, on reviewing the proposed versus the existing elevations commented that the windows and fenestrations all looked balanced and whilst it was a big house the plot itself was equally large.

The Lead Specialist Place in response to a comment regarding the original garage planning permission reported that this need had now fallen away, and the current application addition was to meet the needs of the father. He advised that should the

recommendation on this application be overturned the other permission could still be implemented.

Councillor Fluker suggested that if officers were minded to approve they could condition that the applicant could not undertake both elevations.

At this point the Lead Specialist Place reminded the meeting that there was an option that the applicant sign a Unilateral Undertaking (legal agreement) to waive the previous planning permission for the garage, given that the harm was increased by both permissions. Furthermore, he reiterated there no longer were special circumstances for two annexes, one set of supporting evidence had fallen away.

Councillor Fluker referring to the proposed elevations said he felt that the application did accord with D1 and H4 as the plot was large enough to accommodate the alterations. He recommended that the application be approved, and Councillor Stamp agreed.

Councillor Boyce supported the Officer's recommendation to refuse as the lifetime of a building needed to be considered. Councillor Stamp then referred back to the option of a legal agreement. She felt that since the circumstances had changed regarding the original planning permission the applicant may be open to negotiation. The important thing was to facilitate households to take care of their elderly.

Councillor Fluker, noting the urgency of the health needs involved, said he would not support the delay incurred by seeking a legal agreement. He felt that officers should decide to either support the officer recommendation or a recommendation that reflected two members' views. If the decision was refuse, then the default for the applicant was to appeal. Councillor Stamp concurred and added that Councillor Fluker had made a valid point in that the application could be accommodated on the site and was in keeping with the area.

Councillor Boyce said that he was happy with either recommendations.

The Director of Service Delivery reminded the meeting that the reason for refusal was due to unacceptable scale and bulk. He asked Officers if views put forward in the meeting had changed their opinion of the Planning Officer's recommendation to refuse.

The Lead Specialist Place said no, but that if officers were minded to overturn the recommendation the planning rights of the previous development would need to be removed through a signed legal agreement. He added that this was not a lengthy process. The Director of Resources noted that there already was planning permission for a substantial addition, that special circumstances did not apply therefore there was no logic to go against the Planning Officer's recommendation to refuse.

The Director of Service Delivery, having taken all views into consideration, said he felt that a middle ground approach by way of a legal agreement was the best option. He proposed that a signed legal agreement be sought to remove the planning rights from the earlier approved development. If accepted by the applicant all final conditions would be delegated to officers. If not accepted, then the application would be refused, and the applicant would have the option to appeal.

The Director of Service Delivery, taking into account the aforementioned comments, **RESOLVED** that the application be **APPROVED** subject to the Applicant agreeing to enter in to a legal agreement expunging the planning permission granted on the previous application (Planning Application 19/01092/HOUSE. Should the Applicant accept then all final conditions be delegated to Officers. If the Applicant was not willing to enter into a legal agreement, then the application was to be refused for the reason outlined in section 3.2 of the officer's report.

The meeting closed at 12.00 pm.