



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
10 JUNE 2020**

PRESENT

Vice-Chairman
(in the chair)

Councillor M W Helm

Councillors

M G Bassenger, V J Bell, R G Boyce MBE,
Mrs P A Channer, CC, A S Fluker, A L Hull, N J Skeens and
W Stamp

985. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to this, the first remote meeting of the South Eastern Area Planning Committee, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 situation. The Chairman went through some general housekeeping arrangements for the meeting.

A roll call of those Members present was taken.

986. APOLOGIES FOR ABSENCE

An apology for absence were received from Councillor R P F Dewick.

987. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 9 March 2020 be approved and confirmed.

988. DISCLOSURE OF INTEREST

At this point reference was made to an email circulated by the Lead Legal Specialist and Monitoring Officer in respect of Members declaring pecuniary interests in a remote meeting. At the request of the Chairman this email was read out to the Committee.

989. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned due to a technical issue with the live video streaming.

990. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting resume in open session.

On resuming the meeting a roll call of Members present was started, during this some concerns were raised regarding the streaming of the live meeting and the link to this on the Council's website.

991. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned to allow Officers to address issues relating to the link on the Council's website to the live video stream of the meeting.

992. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting resume in open session and a roll call of those Members present was taken.

993. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a member of Essex County Council who were consulted on matters in terms of highways or anything within their remit that they had been consulted on. She also declared in respect of Agenda Item 6 - 20/00271/FUL 7 Riverside Road, Burnham-on-Crouch that she knew the applicant.

Councillor N J Skeens disclosed a non-pecuniary interest in both planning applications for consideration as a member of Burnham-on-Crouch Town Council.

Councillor Mrs W Stamp disclosed a non-pecuniary interest in respect of Agenda Item 6 - 20/00271/FUL 7 Riverside Road, Burnham-on-Crouch as she knew the applicant.

Councillor A S Fluker declared the following pecuniary interests:

- He owned property adjacent to that being considered under Agenda Item 5 – 20/00113/FUL 171 – 173 Station Road, Burnham-on-Crouch and would take no part in that item of business and leave the meeting.
- In respect of Agenda Item 6 - 20/00271/FUL 7 Riverside Road, Burnham-on-Crouch he knew and was associated with the applicant.

Councillor Fluker left the meeting at this point and did not return.

There was some discussion regarding the declaration made by Councillor Fluker and the Chairman advised that he had declared a pecuniary interest and it was up to each individual Member to make their own declaration as appropriate.

994. 20/00113/FUL - 171-173 STATION ROAD, BURNHAM-ON-CROUCH. CM0 8JY

Application Number	20/00113/FUL
Location	171 - 173 Station Road Burnham-On-Crouch
Proposal	Partial change of ground and first floor from shop (A1) to residential (C3), demolition of outbuilding to the south of the building, erection of single storey rear extension and installation of new fence and gates.
Applicant	Mr & Mrs C Dawson
Agent	Chris Cumbers - CBS Cumbers MCIAT
Target Decision Date	31.03.2020 EOT 22.05.2020
Case Officer	Hannah Bowles / Anna Tastsoglou
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Member call in by Councillor Bell. Reason: MDC LDP policy S1 – sustainable development NPPF – principle of sustainable development

It was noted from the Members' Update that two letters of support had been received, along with supporting information from the Applicant and a correction to paragraph 3.1.6 of the Officers' report.

Following the Officers' presentation, the Chairman advised Members that under the Council's public participation scheme two submissions had been received, one from Mr Hutton-Penman, a supporter and another from the Applicant Mrs Dawson. In accordance with the scheme he had reviewed the submissions and proceeded to read them out.

The Chairman then moved the Officers' recommendation of refusal as set out in the report. This was not seconded.

Councillor V J Bell, a Ward Member, raised concern and commented on the evidence submitted to show the premise was never used for river related trade, how it was a heritage site, in a conservation and flood zone area and one of the biggest retail areas in Burnham-on-Crouch. She referred to the current and ongoing impact of the recent COVID-19 emergency on retail and retail space in the High Street. She felt that the reduction in retail space would make the development more sustainable, returning it to its original footprint. Councillor Bell noted that the Conservation Officers supported the application and that the Planning Listed Building and Conservation Area Act 1990 required that the Council paid special attention to the desirability of preserving and enhancing the character and appearance of the conservation area, which she felt this application did. Councillor Bell commented that she could not see any objection to the application and highlighted the benefits to the town of Burnham-on-Crouch. She then proposed that the application be supported, contrary to Officers' recommendation. This proposal was duly seconded.

In response, the Lead Specialist Place reminded Members that each application had to be determined on its own merit. He provided the following responses in relation to matters raised:

- in Officers consideration the level of evidence submitted did not, on balance, provide enough information to argue the site had not been used for employment-based activities in relation to maritime.
- it was relatively common not to have onsite car parking in a high street location / retail area, but this was covered within the Officers' report.

- the suggested reasons for refusal did not refer to the conservation area but this was covered in the Officers' report.
- the impact of COVID-19 was yet unknown and Members should not be giving a lot of weight to the current situation caused by COVID-19.

The other Burnham-on-Crouch Ward Members supported the views of Councillor Bell and provided the Committee with background information regarding the history of the site. Reference was made to a previous application for dwellings approved on this site and in response the Lead Specialist Place explained that this application had expired and had been considered prior to adoption of the Local Development Plan and Five Year Housing Land Supply.

In response to a question the Specialist: Development Management advised that the application did not propose to change the access to the quay from Priors Boatyard adjacent to the site.

The Chairman advised that he had earlier moved the Officers recommendation of refusal and this had not been seconded. He then reminded the Committee of the proposed approval of the application, contrary to Officers' recommendation, in the name of Councillor Bell, duly seconded and requested reasons for approval.

In accordance with Procedure Rule 13 (3) Councillor Stamp requested a recorded vote.

Members discussed reasons for approval and advice was provided by the Lead Specialist Place. It was agreed that the evidence provided had shown that loss of maritime employment was not an option and that the retail unit would be viable. The Lead Specialist Place confirmed that this would be an appropriate planning based reason for approval.

In response to a request for a condition to ensure the remaining retail space was kept as retail space, the Lead Specialist Place explained that if planning permission was approved a condition along these lines could be included, although the wording would be amended to ensure the condition met the six tests required by government guidance and case law. This was noted.

The Lead Specialist Place requested, should Members be mindful to approve the application that due to its complexity conditions be delegated to Officers in consultation with the Chairman.

In accordance with the earlier request for a recorded vote, the Chairman put to the vote the proposal in the name of Councillor Bell that the application be approved, contrary to Officers' recommendation, for the reasons detailed above and subject to conditions to be agreed by Officers in consultation with the Chairman of the Committee. The voting was as follows:

For the recommendation:

Councillor M G Bassenger, V J Bell, A L Hull, N J Skeens, and W Stamp.

Against the recommendation:

None.

Abstain:

Councillors Mrs P A Channer and M W Helm.

RESOLVED that this application be **APPROVED** for the reasons set out below and subject to conditions to be agreed by Officers in consultation with the Chairman of the Committee.

Reasons for approval:

The proposed development would secure the future of a building which positively contributes to the conservation area of Burnham-on-Crouch. Whilst the proposal would result in the loss part of the existing retail space, the site it would continue to provide a viable retail unit. In addition, it is not considered that the proposal would result in the loss of employment land. Therefore, the proposal is considered to comply with policies E1, E2, E5, D1 and D3 of the Maldon District Local Development Plan, the Burnham-on-Crouch Neighbourhood Plan and Government advice contained within the National Planning Policy Framework (2019).

995. 20/00271/FUL - 7 RIVERSIDE ROAD, BURNHAM-ON-CROUCH

Application Number	20/00271/HOUSE
Location	7 Riverside Road, Burnham on Crouch CM0 8JY
Proposal	Garage conversion with bow window and detached single cart lodge.
Applicant	Mrs A Owers
Agent	Mr Ashley Robinson - A R Property Designs
Target Decision Date	1.05.2020
Case Officer	Sophie Mardon
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Member Call In – Councillor Wendy Stamp. Reason: Does not breach NDP or LDP. No loss of amenity or parking creates additional room in compliance with H4 of LDP.

Councillor Mrs P A Channer raised the earlier disclosure of a pecuniary interest in this application by Councillor A S Fluker and whether in light of this she should also declare a pecuniary interest. Following some discussion Councillor Mrs Channer confirmed that her earlier disclosure of a non-pecuniary interest in this application was correct but that she may not vote and would take the matter up with the Monitoring Officer for clarification outside of the meeting.

Councillor A L Hull disclosed a non-pecuniary interest in this application.

Following the Officers' presentation, the Chairman advised Members that under the Council's public participation scheme two submissions had been received, one from Parish Councillor R Pratt on behalf of Burnham-on-Crouch Town Council and the other from the Applicant Mrs Owers. In accordance with the scheme he had reviewed the submission and proceeded to read them out.

The Chairman then moved the Officers' recommendation of refusal as set out in the report. This was not seconded.

Councillor V J Bell, a Ward Member, referred to the location of the dwelling, advising the Committee how in her view the proposal made changes to enable the applicant to remain in her accommodation and overall she supported the application. Councillor Bell proposed that the application be approved, contrary to the Officers recommendation. This was duly seconded.

Councillor W Stamp, another Ward Members, commented how the application, if approved, would make improvements to the applicants living conditions, would not cause any detrimental harm, would not be detrimental to the character and was not contrary to policies. She agreed with and seconded the proposed approval of the application.

In response, the Lead Specialist Place highlighted the following points:

- each application had to be considered on its own merit and assumption should not be given to approving a householder application because it was not harmful in comparison to another scheme.
- In planning terms a cart lodge was a permanent structure and therefore required planning permission.
- he cautioned on giving too much weight to personal circumstances and that case law was clear it needed to very special circumstance and the weight should reflect this.

The Chairman advised that he had earlier moved the Officers recommendation of refusal and this had not been seconded. He then reminded the Committee of the proposed approval of the application, contrary to Officers' recommendation, in the name of Councillor Bell, duly seconded and requested reasons for approval of the application.

In response to a question regarding a consultation response from Essex County Council Highways, the Lead Specialist Place advised that no response had been received and explained the type of applications on which Highways would provide a consultation response.

Following some discussion regarding reasons for approval it was agreed that the reasons should relate to the application not being detrimental to policies, not causing any harm to the surrounding area or being detrimental to the conservation area. In addition it was felt that the proposal would not impact on-street parking.

The Chairman put the proposal of approval, contrary to the Officers recommendation, for the reasons outlined above to the Committee. The Lead Specialist Place outlined several conditions which should be applied to the application should Members be mindful to approve it. These were noted. Upon a vote being taken the application was approved.

RESOLVED that this application be **APPROVED** subject to conditions delegated to Officers.

- 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) The Town & Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: Location Plan L1 and 01E.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the bow window/ garage conversion hereby approved shall be as set out within the application form/plans hereby approved.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 The materials used in the construction of the proposed cart lodge hereby approved shall be as set out within the application form/plans hereby approved.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 5 The cart lodge shall not be used other than for the accommodation of private motor vehicles and shall not at any time be converted or used as habitable space / living accommodation or for storage.
REASON: To ensure that the garage remains incidental to the occupancy of the dwelling and to retain off street parking provisions in accordance with policies S1, S8, H4 D1 and T2 of the Maldon District Local Development plan and the guidance in the National Planning Policy Framework.
- 6 No development shall commence on the cart lodge until a construction design and method statement has been submitted and approved by the Local Planning Authority. The statement should demonstrate that the roots of the protected Maple Tree and the soil conditions will not be adversely impacted upon during the construction of the approved carport and the base of the carport will have no long term effects on the health of the tree. The proposed development shall be carried out in accordance with the approved details and retained as such thereafter.
REASON: To ensure the Maple Tree, which is protected by a Tree Preservation Order, is not negatively impacted due to the proposed development in order to protect the visual amenity of the site and surrounding conservation area, in accordance with the policy D1 and D3 of the LDP.

There being no further items of business the Chairman closed the meeting at 14:54.

M W HELM
CHAIRMAN