

82. 20/01166/FUL LAND SOUTH CHARWOOD AND EAST OF ORCHARD HOUSE, STONEY HILLS, BURNHAM-ON-CROUCH

Application Number	20/01166/FUL
Location	Land South Of Charwood and East of Orchard House, Stoney Hills, Burnham-On-Crouch
Proposal	Construct cul-de-sac road with turning head and vehicular and pedestrian access off Stoney Hills, erect one detached bungalow and garage, lay out parking spaces and garden
Applicant	Mr Burrows - Virium Technology Limited
Agent	Mr Stewart Rowe - The Planning And Design Bureau Ltd
Target Decision Date	3 May 2021
Case Officer	Louise Staplehurst
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

It was noted from the Members' Update that a further consultation response had been received.

A copy of the report and Members' Update considered at the South Eastern Area Planning Committee on 17 February 2021 were attached as Appendices 1 and 2 respectively to the report.

In response to a question the Specialist – Development Management advised that the access road to the site was private and had been approved as part of a previous planning application.

Councillor R G Boyce proposed that the Officers' recommendation of approval be agreed. This was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote. This was duly seconded.

Councillor Morris advised that if the proposal for approval failed he wished to propose that the application be refused due to the design being incongruous and contrived.

During the debate that followed some concern was raised regarding the distance between and the impact the proposal would have on the outlook of Orchard House.

Councillor Boyce left the meeting during the debate and did not return.

In response to some questions raised the Lead Specialist Place provided Members with further information regarding the proposed development including how it was not unusual to have an elevation without windows.

In response to a point of order raised by Councillor W Stamp regarding whether the proposal in the name of Councillor Boyce could be put as he had since left the meeting, the Lead Legal Specialist and Monitoring Officer advised that although Councillor Boyce had left the meeting the proposal still stood.

The Chairman the put the proposal to approve the application to the Committee and the voting was as follows:

For the recommendation:

Councillors M F L Durham, J V Keyes, R H Siddall, E L Stephens, C Swain and Mrs M E Thompson.

Against the recommendation:

Councillors M G Bassenger, Miss A M Beale, B S Beale, Mrs P A Channer, M R Edwards, Mrs J L Fleming, B B Heubner, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, W Stamp and Mrs J C Stilts.

Abstention:

Councillor M S Heard.

The Chairman declared the motion was therefore lost.

The Lead Legal Specialist and Monitoring Officer clarified that the Committee now needed to consider the proposal by Councillor Morris for refusal and if Members were mindful to refuse the application it was important to agree reasons as a refusal would be contrary to the Officers' recommendation.

A discussion followed, during which a number of reasons for refusal were discussed and in response the Lead Legal Specialist provided some legal guidance advising that the Committee had to specify in what way the proposed development would demonstrate harm. The Lead Specialist Place suggested, having listened to Members discussion, that the reasons for refusal could be that the proposed design was incongruous and contrived and would have impact on the neighbours at Orchard House due to loss of outlook. Councillor Morris amended his proposal of refusal for the reasons outlined by the Officer. This was duly seconded.

The Chairman then put the proposal for refusal, contrary to the Officers' recommendation to the Committee and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, B S Beale, Mrs P A Channer, M R Edwards, Mrs J L Fleming, B B Heubner, J V Keyes, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, W Stamp and Mrs J C Stilts.

Against the recommendation:

Councillors R H Siddall, E L Stephens, C Swain and Mrs M E Thompson.

Abstention:

Councillor M S Heard.

The Chairman declared that the motion was therefore agreed.

RESOLVED that this application be **REFUSED** for the following reasons:

1. The design of the dwelling is considered to be incongruous and contrived which would cause harm to the character and appearance of the surrounding area, contrary to policy D1 of the Local Development Plan (LDP).
2. The proposal would result in demonstrable harm to the residential amenity of the western neighbour of Orchard House by resulting in a harmful loss of outlook from this neighbouring dwelling, contrary to policy D1 of the LDP.

There being no other items of business the Chairman closed the meeting at 9.39 pm.

M S HEARD
CHAIRMAN