

Draft minute from Area East Committee 9th February 2011

10/04763/FUL Erection of a single dwelling and creation of associated access (GR: 356485/128768 Land Adjoining Shurlock Row North Street Babcary for Mr Leslie Hawes

The Planning Officer advised members that a revised plan had now been submitted which had overcome the Highways safety objection, therefore one of the reasons for refusal as shown in the agenda report had now been removed.

With the aid of slides the officer pointed to:

- The streetscene;
- Neighbouring Dove Cottage;
- The amended layout with the reconfigured parking area;
- Photos of North Street;
- The current overgrown site of the proposed application and;
- The style of other developments in the area.

The officer then referred members to the relevant parts of policy ST3 as shown on a slide.

The location of the application site did not fall within a development area and would be considered as in open countryside, the application had not been submitted as an affordable house and would be offered for sale on the open market, the applicants intention was to sell to someone with a connection to the village of Babcary, but no suggestion had been made to restrict the property to local residents.

As a local need had not been proved, and no specific justification had been made, the officer still recommend refusal of the application.

Simon Hoar of Babcary Parish Council addressed members in favour of the application and commented that:

- the plot was too small to be used for anything other than a modest dwelling and was currently an eyesore, unattractive, overgrown and derelict;
- it was previously the site of an old smithy therefore would be a suitable site for a dwelling;
- the streetscene would be enhanced by a stone building such as the proposal;
- the village needed smaller more modest houses, as there were shortages of suitably sized dwellings for young families in the village, therefore a modest new dwelling should be welcomed.

The agent for the applicant, Joanna Fryer commented that some time ago the applicants had been advised that they would be able to build a new dwelling on the site in question and they were now in a position to apply. The application site was in the heart of the village and it was a good opportunity for infill and to have a new dwelling in the village, the gap in the streetscene would also be filled. She also pointed out that a barn in the village had recently been given permission for conversion. She urged members to support the application, particularly as one of the reasons to refuse the application had been overcome.

The Area Lead East commented that there was no in fill policy within Babcary, barn conversions were often allowed, but this application was not a barn conversion, was not

a dwelling for an agricultural worker was not an affordable dwelling and went against policy ST3 there fore there was no valid reason to approve the application.

Ward Member Cllr Henry Hobhouse advised that Ward Member Cllr John Crossley had supplied a letter to confirm his support of the application. Cllr Hobhouse himself was still undecided and would listen to the continued discussion, he did point out that North Street was a dead end, and he was concerned about going against PPS7, and as Babcary did not have a parish plan the official view of the village was unknown.

During discussions members made the following comments:

- the proposed dwelling would be an improvement to the overgrown site;
- as there would be little traffic along the lane could see no reason to object;
- it would be difficult to refuse the application when there was such strong support from the parish council,;
- a medium sized property was needed in the village;
- there was confusion over the site not being within a Development Area particularly as there were houses either side of the proposed site;
- it would not be wise to approve this application with no justification as it would set a precedent for sites similar to this one;
- the application should go to Regulation Committee if approved, as it would go against Policy ST3 as this was not a rural housing exception site and could set a precedent. It was not understood why the application had not been marked as 2 starred (to go to Regulation Committee if AEC were unable to accept the officers recommendation) prior to the meeting.

The Senior Solicitor reminded members that the starting point for consideration of any planning application was the relevant policies and also referred them to the previous application that had been refused and which was a material consideration. She confirmed that the Council's Scheme of Delegation did permit a recommendation that an application go to Regulation Committee to be put forward at the meeting. She advised that it was appropriate for this application to be 2-starred because approval could set a precedent which could significantly undermine Council policy on a district-wide basis.

The Area Lead East explained that discussion had taken place prior to the meeting about marking the application as 2 starred, but it had been felt unnecessary at that time, however if the reason for approval went against Policy ST3 the decision could have district wide implications and should be referred to the Regulation Committee.

With the agreement of the chairman a proposal was made and seconded that if members should approve the application it would be referred to the Regulation Committee.

Members voted 5 in favour, and 1 against that proposal.

It was then proposed and seconded to approve the application contrary to officers' recommendation on the grounds that the proposal was an acceptable form of infill development that would not be out of character with the locality. Subject to the following conditions: -

- Time limit
- approved plans
- sample panel of natural stone to be agreed.
- details of rainwater goods/fascia boarding, eaves details to be agreed
- FFL to accord with drawing 1334/03A
- Landscaping to be agreed

- withdrawal of PD rights for additional windows to east elevation
- withdrawal of PD rights for extensions
- withdrawal of PD rights for garages/outbuildings
- highways conditions as recommended by highways officer.

Members voted 4 in favour; 2 against with 1 abstention to approve the application as detailed above, and refer to Regulation Committee.

RESOLVED:

- a) that on approval the application would be referred to Regulation Committee.
- b) That application 10/04763/FUL be approved contrary to officer's recommendation on the grounds that: -
The proposal is an acceptable form of infill development that would not be out of character with the locality.

Subject to the following conditions: -

1. Time limit
2. approved plans
3. sample panel of natural stone to be agreed.
4. details of rainwater goods/fascia boarding, eaves details to be agreed
5. FFL to accord with drawing 1334/03A
6. Landscaping to be agreed
7. withdrawal of PD rights for additional windows to east elevation
8. withdrawal of PD rights for extensions
9. withdrawal of PD rights for garages/outbuildings
10. highways conditions as recommended by highways officer.

(Voting:4 in favour:2 against:1 abstention)
