

## Appendix D

### Extract from Area East Committee Minutes – 13<sup>th</sup> March 2013

#### **Planning Application: 12/04730/FUL\*\* Erection of a new house and garage at Land adjacent to Heather House, Alford, Lovington for Mrs Dawn Harley**

The officer presented the report as detailed in the agenda, with the aid of a power point presentation he showed the design of the application; Google views of the secluded site and photos of the road /lane from different views.

The officer confirmed his recommendation was to refuse the application which was in an unsustainable location and in Flood Zone 3 where the erection of a dwelling house without a sequential and exception test would be contrary to Government policy. He also referred to the previous similar planning applications on this site that had been refused as detailed in the agenda report. He reminded members that this application was 2 starred and if members were minded to approve the application it would have to be referred to the Regulation Committee for determination.

Martin Roberts of Cary Moor PC addressed committee members as he did not think the reasons that the PC supported the application had been fully explained in the agenda report. He referred to Saved Policy ST3 and the supporting text that made allowance for sensitive infilling that may be acceptable depending on the character of the area. The PC believed that the design was sensitive infilling development of a single dwelling for disabled use. There had been no flooding of the site in living memory and would benefit from the recently enhanced flood works upstream of Bruton.

Mr M Harley, brother in law of the applicant, spoke in support of the application. He considered that Alford was sustainable; internet shopping was becoming the norm; the Nippy bus company ran 6 buses a day to and from the village; South West Coaches had 5 services weekly. The village of Alford would fade away if no new dwellings were ever allowed. There had never been any flooding on the site even during the recent severe flooding; the River Brue had been in no danger of flooding, even the SSDC Engineer could not see a justification to refuse the application based on flooding issues.

Ben Carlisle, the architect /agent, spoke in support of the application; although he did not wish to see building in open countryside without control he did not feel this was open country side; local consultations met a critical requirement; there were already good public transport links. He felt that the issue with this application was Planning Policy which was complicated because of the transition period between old policies and the NPPF. If this application was refused traffic movement would increase if his client moved to nearby Castle Cary as her friends and family would have to travel further to visit. Any move away from the village of Alford would make his client socially reclusive, he urged members to approve the application as this was a particular application serving a particular need.

Ward Member Cllr Henry Hobhouse understood why the application had been 2 starred as it went against the written policy but he said every policy had an exception which this application did, the applicant needed a home more suitable to her needs in the village; the flood defences in Bruton had dealt with any flooding concerns.

Ward Member Cllr Nick Weeks felt the concern was due to issues with new legislation, local communities should now be able to request small developments in their area.

In response to Cllr Colin Winders question the Development Manager explained that development areas currently still existed and would do until new the Local Plan was adopted.

During discussion members raised the following points:

- Concerned that the applicant having paid a planning fee was unaware that the application may be considered by members of the Regulation Committee who were not local to the area;
- Local people know better than anyone if an area flooded;
- One member had lived in the area all of his life and had never known it to flood;
- Applicants should be enabled to stay in the community that they were comfortable in and to be able to look after themselves for as long as possible;
- Did not understand how an application previously decided at AEC was approved outside a development area in order to preserve an historic house but may not be approved to help a person.

The Legal Services Manager corrected a point regarding the Localism Act, advising that although it did give local communities more of a say there was still a process in place that had to be followed. Both the legislation and recent cases made it clear that the requirements of a community had generally to be in accordance with the development plan. The NPPF also had to be heeded. The marking of applications as 2 starred was carried out in accordance with the requirements of the Council's Constitution. If members were unhappy with that process they would have to formally propose amendments to be agreed by Councillors at Full Council.

The Chairman commented that the recommendation to 2 star an application had already been made before he saw the reports.

A proposal was made and seconded to approve the application contrary to the officer's recommendation and as such would need to be referred to the Regulation Committee for consideration.

On being put to the vote the proposal was carried 9 in favour; 2 against and 1 abstention.

**RESOLVED:**

**That Planning Application: 12/04730/FUL\*\* be referred to Regulation Committee with the recommendation that it be approved, contrary to the officer's recommendation.**

(Voting: 9 in favour; 2 against and 1 abstention.)

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