

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 2 October 2018**

#### **Attendance list at end of document**

The meeting started at 10.45am and ended at 3.45pm (the committee adjourned at 12.38pm and reconvened at 2pm).

#### **\*17 Minutes**

The minutes of the Development Management Committee meeting held on 4 September 2018 were confirmed and signed as a true record.

#### **\*18 Declarations of interest**

Cllr Brian Bailey; 18/1502/FUL and 18/1282/FUL; Personal interest; Exmouth Town Councillor

Cllr David Barratt; 18/0762/FUL and 18/0763/LBC; Personal interest; Sidmouth Town Councillor

Cllr Paul Carter; 17/2430/MFUL and 18/0920/FUL; Personal interest; Distant family connection to the applicant and employee of the Donkey Sanctuary (left the Chamber during discussion and vote).

Cllr Paul Carter; 17/2035/MFUL; Personal interest; acquaintance of the applicant

Cllr Paul Carter; 18/1426/FUL; Personal interest; Ottery St Mary Town Councillor

Cllr Bruce de Saram; 18/1502/FUL and 18/1282/FUL; Personal interest; Exmouth Town Councillor

Cllr Steve Gazzard; 18/1502/FUL and 18/1282/FUL; Personal interest; Exmouth Town Councillor

Cllr Geoff Jung; 17/2430/MFUL and 18/0920/FUL; Personal interest; Woodbury Parish Councillor

#### **\*19 Appeal statistics**

The Committee received and noted the report written by the Development Manager setting out appeals recently lodged and outlining the four decisions notified of which - three had been dismissed and one had been withdrawn.

The Development Manager drew Members' attention to the appeal of application 17/1270/FUL. The Planning Inspectorate had determined that the appeal should be determined by way of an Inquiry and that this subsequently led to the applicant withdrawing the appeal.

The Development Manager drew Members' attention to the appeal of application 16/2795/FUL. The Committee were advised that the appeal was against the imposition of surcharges in respect of the failure to submit a Commencement Notice and the late payment of CIL. The Inspector dismissed the appeal with the surcharge for the failure to submit a Commencement Notice and the late payment of CIL being upheld.

## **20 Publication of the new revised National Planning Policy Framework (July 2018) and implications for the determination of planning applications**

The Development Manager presented the report setting out the key changes to the National Planning Policy Framework (July 2018) which forms a material consideration when determining applications for planning permission. The revised NPPF does not introduce any fundamental changes to the planning system or processes but it does bring about some more detailed changes, particularly with regard to affordable housing provision, vacant building credit and viability assessments.

Since 1 October 2018, upcoming changes by which conditions that require the agreement of details before commencement of development should be avoided. There will need to be a clear justification for pre-commencement conditions and agreement with applicants to their inclusion.

Paragraph 57 confirms that all viability assessments should be made publically available. Furthermore, the government intend that viability assessment work is primarily undertaken at the plan making stage. This is to ensure that the allocation of sites and the subsequent obligations are thoroughly tested at the plan making stage and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan. Whilst the position with future plan allocations is laid out in terms of assessing viability at the allocation stage there will still be applications to consider in the meantime where viability is an issue. For these applications it is considered that the Council should continue to assess viability as it does at present. This involves the applicant providing a viability appraisal and agreeing to cover the costs of this being assessed by a viability consult of the Council's choosing (currently through a consultancy service provided by Plymouth City Council). The viability will be assessed on the existing use value plus a premium for the land owner as detailed within the NPPG.

### **Affordable Housing**

In terms of securing affordable housing:

- for residential developments that are between 1 and 6 unites there will be no contributions towards affordable housing;
- if the residential development is between 6 and 9 units in a rural area financial contributions towards affordable housing can be sought; and
- if the residential development is for 10 units of more, on-site provision of affordable housing can be secured.

### **Vacant Building Credit**

The application of Vacant building credit has moved from the NPPG to the NPPF stating that: "To support re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount." The amount of reduction should be equivalent to the existing gross floor space of the existing buildings. This will result in a reduction in affordable housing units, and/or financial contributions towards off-site affordable housing, that can be negotiated, as existing floor space will need to be deducted from the affordable housing contribution. Furthermore, the change introduced by the NPPF means that the Council no longer have discretion over the implementation of Vacant Building Credit.

## **Rural Housing**

Paragraph 79 replaces the old paragraph 55 in identifying circumstances where isolated homes in the countryside will be permitted. The new NPPF has the same circumstances as before but with an additional one where “d) the development would involve the subdivision of an existing residential dwelling...”

This would allow the subdivision of dwellings in rural areas and as there is no threshold indicated within the NPPF, it is considered that subdivisions could be permitted for a dwelling to go to a number of dwellings. This criteria would also appear to allow the conversion of an annexe to a separate dwelling.

## **Business and Communities in Rural Areas**

Paragraph 84 states that planning policies and decisions should recognise that local business and community needs may need to be met through locations not well served by public transport and that development of previously developed land in rural areas should be encouraged.

## **Achieving well-designed places**

The revised NPPF has seen an increasing importance attached to design considerations. The opening text of Section 12, at paragraph 124, advises: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve...”

Discussion covered:

- Clarification on a planning decision that was made regarding paragraph 79 of the NPPF and the subdivision of rural dwellings – in response, outbuildings or part of original dwellings such as annexes can now be converted to a separate additional dwelling.
- Clarification on whether paragraph 79 of the NPPF applies to the Area of Outstanding Natural Beauty – in response, the Development Manager confirmed this.
- The public availability of viability assessments will now highlight whether developers are paying too much for land and/or their profit margins.
- Changes to the Planning Practice Guidance has seen the addition of Benchmark Land Values in viability.
- Disagreement with Section 11 of the NPPF – Making effective use of land. The NPPF has highlighted that density considerations have been introduced as an aspect of effective land use. Concerns regarding the introduction of high-density developments in East Devon.
- Welcomed Section 12 of the NPPF – Achieving well-designed places.
- Welcomed definition of Affordable Housing in the revised NPPF.
- Clarification of the changed legal advice regarding the provision of affordable housing as stated in the revised NPPF – in response, the Strategic Lead for Governance and Licensing outlined that there had been a misinterpretation of the NPPF and how that sat with the National Planning Policy Guidance and Strategy 34 of the East Devon Local Plan.
- That the Local Authority should be able to set a lower threshold for securing affordable housing provisions – in response, the Strategic Lead for Governance and Licensing outlined the detail of Strategy 34. Strategy 34 states that the local authority will apply the thresholds that are set, either in government policy or guidance, in terms of affordable housing targets and this is what the framework and guidance does currently, imposing the 5 unit threshold in rural areas. The NPPF in turn states that the local authority can set local policies, and so it becomes a cyclical

position, but in the absence of Strategy 34 setting a specific target the authority is beholden to the thresholds in the guidance and framework. In order to resolve this, the option to the Committee was to request that the Strategic Planning Committee review Strategy 34 of the East Devon Local Plan.

- Clarification on whether viability assessments can be submitted at the time of application – in response, the Development Manager advised that if an application is made and it is not compliant with policy of provision of affordable housing and open space then it is expected that that application is submitted along with a viability assessment which is then assessed together at that stage.
- Clarification on whether this Council is a registered provider that would take on any affordable housing secured through off-site financial contributions – in response, the committee were advised that Housing would be consulted on applications of 6 -10 units in the designated rural area. Housing will then determine whether to proceed.
- Clarification of securing affordable housing 'in perpetuity', in response, the Strategic Lead for Governance and Licensing confirmed that affordable housing can be secured in perpetuity through Section 106.

**RESOLVED:**

That the following be noted:

1. That the existing viability appraisal process will be used rather than using benchmark land values;
2. That the Designated Rural Area is all parts of the district outside of the Wards of Exmouth, Honiton, Seaton and Sidmouth.
3. That outside of the Designated Rural Areas affordable housing is secured for developments of 10 units of more;
4. That the affordable housing calculator is being used to calculate the affordable housing contribution;
5. That there is an allowance for proposals to demonstrate a lower, or zero, affordable housing contribution through the submission and consideration of viability appraisals.
6. The position regarding the application of vacant building credit.
7. The other changes resulting from the NPPF.

**RECOMMENDED TO THE STRATEGIC PLANNING COMMITTEE:** That the Strategic Planning Committee review Strategy 34 of the adopted Local Plan, specifically to consider a position of a lower threshold of affordable housing provision.

**\*21 Applications for Planning Permission and matters for determination**

**RESOLVED:**

that the applications before the Committee be determined as set out in Schedule 5 2018/2019.

**Attendance list**

**Present:**

Committee Members present for all or part of the meeting

Councillors:

Mike Howe (Chairman)

Colin Brown (Vice

Chairman)

Mike Allen

(did not partake in the discussion or vote on application 18/1451/FUL & 18/1452/LBC as had not attend the site visit)

Brain Bailey (did not partake in the discussion or vote on application 18/1451/FUL & 18/1452/LBC as had not attend the site visit)

David Barratt  
Peter Burrows (present for applications considered in the morning only and apologies given for the afternoon session. Also did not partake in the discussion or vote on application 18/1451/FUL & 18/1452/LBC as had not attend the site visit)

Paul Carter (left the Chamber during consideration of applications 17/2430/MFUL and 18/0920/FUL).

Bruce de Saram  
Steve Gazzard (did not partake in the discussion or vote on application 18/1451/FUL & 18/1452/LBC as had not attend the site visit)

Ben Ingham  
Geoff Jung  
David Key  
Jim Knight  
Helen Parr

Officers present for all or part of the meeting

Henry Gordon Lennox, Strategic Lead – Governance and Licensing  
Chris Rose, Development Manager  
Simon Allchurch, Senior Building Surveyor  
Tabitha Whitcombe, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

John Dyson  
Mark Evans-Martin  
Cathy Gardner  
Rob Longhurst  
Pauline Stott

**Apologies:**

Committee Members

Councillors:

Susie Bond  
Mark Williamson

Chairman ..... Date.....