Stockland Parish Council

Minutes of the Meeting held in Stockland Victory Hall on Wednesday 17th August 2016 at 7.30pm.

1) **Public Participation Time** (SO 1e & f); With the majority of the 23 people attending wishing to comment on the Kings Arms application the chair announced that he would allow comments to be made at the time of taking the application as long as there was a distinction between public comment and the council decision.

2) **Resolve to exclude members of the press and public**. There were no items to be dealt with after the public and press have been excluded as publicity would prejudice the public interest by reason of the confidential nature of the business to be transacted [Public Bodies(Admission to Meetings Act) 1960].

3) **Present**; Cllrs R Griffiths (chairperson), D Allen, G Bass, D Clay, B Drew, B Durrant, P Maitland, and K Parris. In attendance K Pearson, Clerk to the Parish Council.

4) **Apologies for absence** and to consider whether to approve the reasons given. Cllr Bright did not attend, Cllrs Key and Diviani sent apologies.

5) **Declarations of Interest**: Cllrs Clay and Maitland as members of the Stockland Community Pub Ltd group (SCPL) declared their Personal/prejudicial interests in the Kings Arms planning application ; Cllr Durrant as a Personal/Prejudicial interest in Application16/1693/CPE (s31 & 33 of the Localism Act 2011, Code of Conduct, 2012). and it was agreed that they could speak but not take part in the debate, nor vote and must leave the room.

6) Planning- the following issues were considered and reviewed as below;

a) applications received: to consider and respond;

i. 16/1717/FUL; Demolition of workshop and erection of dwelling and garage/workshop/log store (revised application to 16/0578/FUL to allow alternative access to highway)Park View Stockland Honiton, was supported.

ii 16/1693/CPE; Certificate of lawfulness for residential use of room formerly used as a post office, The Cottage Stockland Honiton, was supported. Cllr Durrant left the room before the debate and returned after the vote.

iii 16/1832/FUL; Construction of single storey rear extension and two storey side extension (demolition of boiler house, oil tank and single storey side extension), The Knoll Stockland Honiton, was supported.

The following applications were taken as a whole with public comments and individually voted on by Cllrs, after Cllrs Clay and Maitland had left the room.

iv 16/1533/LBC; Conversion of existing barn to 2 bedroomed cottage, Kings Arms Inn Stockland Honiton.

v 16/1535/LBC; Demolition of recent extensions and minor revisions to the internal layout and rear extension, Kings Arms Inn Stockland Honiton.

vi 16/1561/FUL; Conversion of existing outbuilding to 2 bedroom cottage, Kings Arms Inn Stockland Honiton.

vii 16/1534/FUL; Demolition of recent extensions and minor revisions to the internal layout and rear extension, Kings Arms Inn Stockland Honiton.

viii 16/1562/LBC; Conversion of existing outbuilding to 2 bedroom cottage, Kings Arms Inn Stockland Honiton.

ix 16/1532/FUL; Conversion of existing barn to 2 bedroomed cottage, Kings Arms Inn Stockland Honiton.

16/1561/Ful and 16/1562/LBC conversion of existing outbuilding to 2 bedroom cottage (skittles)

The Design and Access Statement (doc 2383049) says that the previously refused application has been updated with a Traffic Report and an Appendix added on the13th Jan 16 with an outdated ‘sustainability’ definition coming from the ‘emerging’ EDDC Local Plan, which was in fact

adopted on 28th Jan 16. The Report on Traffic and Highways (doc 2383050) uses national data that is totally inappropriate for a rural pub in an AONB within a small village and its conclusions are suspect.
The Historic Building Assessment (doc 2383053) has not been updated and needs to take into account the fact that the Pub has been closed for three years with the detrimental effects of not being nurtured over that period.

The following policies are relevant in assessing this Application;
National Planning Policy Framework (NPPF) para 115. Great weight should be given to conserving landscape and scenic beauty in … Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Blackdown Hills AONB Management Plan 2014-19 Policy PD1/B
…any conversions conserve and enhance natural beauty and special qualities…

EDDC Local Plan Strategy 7 'Development in the Countryside'
The countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations shown on the Proposals Map. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located;

Policy D8 – Re-use of Rural Buildings Outside of Settlements
The re-use or conversion of buildings in the countryside outside of Built-up Area Boundaries will be permitted for residential proposals where:
a) the building is no longer required for agricultural use or diversification purposes; and
b) that its conversion will enhance its setting - e.g. through removal of modern extensions and materials, outside storage, landscaping etc.
c) Development is located close to a range of accessible services and facilities to meet the everyday needs of residents.
Residential use will be expected to comply with the affordable housing and, open space and education provision policies of the Plan.

Stockland Parish Council's Neighbourhood Plan has yet to go to a Referendum and identifies 'Affordable Housing for Exception Sites' to be provided at the level of two houses within the Parish. This Application does nothing to address these issues and policies.

In fact the Local Plan Policies of Strategy 32 '*Resisting Loss of Employment, Retail and Community Sites and Buildings. Permission will not be granted for the change of use of current or allocated employment land and premises or social or community facilities, where it would harm social or community gathering'*
together with Strategy 35
'*Exception Mixed Market and Affordable Housing At Villages, Small Towns and Outside Built-up Area Boundaries.*
Exception site mixed affordable and open market housing schemes, at villages and outside of Built-up Area Boundaries, for up to or around 15 dwellings will be allowed where there is a proven local need demonstrated through an up to date robust housing needs survey. Affordable housing must account for at least 66% of the houses built.'

mean that this application should be refused since the removal of the Skittle Alley on the future of the ACV Pub as a viable concern is under doubt and there is no contribution to any affordable housing identified in the Parish Council's 'Housing Needs Survey undertaken in 2014.

16/1532/FUL and 16/1533/LBC Conversion of existing barn to 2 bedroomed cottage, Kings Arms Inn

The Design and Access Statement for the previously refused application says it has been updated by the addition of an Appendix in Jan 16 'Report on Traffic and Highways (doc 2383050) and, as above, uses national data that is totally inappropriate for a rural pub in an AONB within a small village and its conclusions are suspect.

The same policies and comments are relevant in this application as under Item **16/1561/Ful and 16/1562/LBC** above viz;
National Planning Policy Framework (NPPF) para 115
Blackdown Hills AONB Management Plan 2014-19 Policy PD1/B
EDDC Local Plan Strategy 7 'Development in the Countryside';
Policy D8 – Re-use of Rural Buildings Outside of Settlements
Local Plan Policies of Strategy 32 'Resisting Loss of Employment, Retail and Community Sites and Buildings', and Strategy 35 'Exception Mixed Market and Affordable Housing At Villages, Small Towns and Outside Built-up Area Boundaries.

The same conclusion is reached that this Application should be refused as it affects the viability of the AVC Pub and with no contribution to affordable housing.

16/1534/FUL and16/1535/LBC Demolition of recent extensions and minor revisions to the internal layout and rear extension, Kings Arms Inn

The Design and Access Statement for a previously refused Application says it was updated in Jan 16 providing a smaller modest footprint for the Pub requiring less parking than a previous application that was refused by EDDC. The Report on Traffic and Highways (doc 2382560) is quoted again to show that reducing the footprint of the Pub is sufficient to limit the number of parking spaces identified in the Plans, without requiring any on-road extra parking. The same comments apply here as in the Applications above on the doubts placed on the viability of a smaller Pub.

Strategy 32 is relevant here:
'Resisting Loss of Employment, Retail and Community Sites and Buildings
In order to ensure that local communities remain vibrant and viable and are able to meet the needs of residents we will resist the loss of … community uses. This will include facilities such as …pubs, shops and Post Offices.
Permission will not be granted for the change of use of …social or community facilities, where it would harm social or community gathering unless:…
2. The new use would safeguard a listed building where current uses are detrimental to it and where it would otherwise not be afforded protection; or
3. Options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in a locality; or
4. The proposed use would result in the provision or restoration of retail (Class A1) facilities in a settlement otherwise bereft of …community meeting space or serve a community or social function.

Certainly the retention of the current use is seen as important in providing a Pub and preserving a listed building but the options under item 3 of the policy have not been undertaken, though the Applicant says it has with a previous Application that was refused and with no evidence provided. The loss of the Skittle Alley and Lounge area could well negate any possibility of its survival as a Community Asset combined with the limited parking.

There remains large scale scepticism within the Community because they have seen this strategy played out around them and in the evidence provided by experts such as Dale Ingram 'Planning for Pubs' for the SCPL. In her words;
'The scheme is a Trojan Horse for the consequential and subsequent loss of the public house use. The loss of the pub use from the principal building (use being its primary significance) as a consequence of this application – whether directly or indirectly- would constitute substantial harm to a designated heritage asset, contrary to S66 PLBCAA 1990 and NPPF P133 and LP policy for the protection of heritage assets.'
For these reasons this application should be refused.

Cllrs Clay and Maitland returned; Cllr Durrant left at 8.30pm

x) Neighbourhood Plan update; resolved to agree; identified amendments received from the EDDC and the Examiner; Cllr Clay to produce and send the document showing parts agreed, with those waiting for further work as attached in App 1.
xi) Devon CC, consultation, 8km section of A30; resolved that the Council agree to submit comments on proposals being put forward to improve the section between Honiton and Devonshire Inn, by the closing date of 30th September.
xii) EDDC, Dalwood Neighbourhood Area designation consultation until 22nd August; no comments

7) **Items of Future Business** for the next meeting on Tuesday 30th August 8pm; Broadband; condition of the road after Battens; Code of Conduct and Financial Regulations; A30 Road Consultations

8) **Confidential Items**: In view of the confidential nature of the business about to be transacted, it is likely that the press and public will be excluded during consideration of issues agreed under item 2 of the Agenda. No items

Signed …… 30th August 2016
Chairman

Meeting closed at 9.00pm

Appendix 1Neighbourhood Plan latest position

Reason for Change	**Recommended change**	**Parish Council Comments (latest in Blue**
With regards the reference to "*other planning policies,*" I note that these simply comprise a somewhat subjective and limited list of selected national and District-wide policies. Consequently, I find that they appear cumbersome and add little other than confusion, by detracting attention away from the most important part of the Neighbourhood Plan, the Policies themselves. The inclusion of a subjective list of "*other planning policies,*" over which the Neighbourhood Plan has no control and which may change over time, is an unnecessary distraction, detracting from the clarity of the Neighbourhood Plan. With regards the *"links to key supporting evidence*," again I find that the inclusion of the corresponding lists of information detract attention away from the Neighbourhood Plan's Policies. They lead each Policy section to appear unwieldy and reduce clarity. Furthermore, the Evidence Base is simply that. It does not comprise the Neighbourhood Plan itself. Together with the "*other planning policies*" references, I find that the "*Key supporting evidence*" leads each Policy section to appear unnecessarily confusing.	**Page 8, delete the last bullet point** **Page 9, delete the first bullet point** **Delete all "Key supporting evidence" and "Related national and district policies" boxes from the Policy sections of the Neighbourhood Plan**	We disagree with these recommendations. They are not confusing – they are contained within 'colour-coded' boxes, just as the policies are. This whole document has been written for the people of Stockland, and for anyone who is considering moving to the Parish. Most members of the public are not au fait with planning regulations. By providing this background information we are demonstrating that we have taken a lot of information into account before producing our policies, and that these are not just arbitrary 'Stockland Rules'. I believe the Examiner was alluding to the fact that they are confusing due to them being subjective, limited and liable to change without particularly providing clarity to decisions makers or readers of the plan. In this instance I would be averse to going against the Examiner's recommendation. The above is also related to the later recommendation to delete Appendix 1. Stockland Parish Councillors find that this is a very useful part of the document. It concisely contains all the policies and will be a ready reference when we have to consider planning applications (assuming the plan passes the local referendum). If the Parish Council finds this useful to include then it can form a separate document outside of the Neighbourhood Plan. Lympstone produced a summary document that wasn't included in the Plan which seemed to work well. In summary, we believe these to be somewhat subjective recommendations, and we would ask for the Examiner to reconsider them. WE will extract these from the document as per the examiner's instructions.
Policy NE3 – Preserving Tranquillity and Our Dark Skies As set out, the Policy places an onerous requirement on all forms of development. It may not be relevant or viable for all development proposals to demonstrate "*no significant adverse affect*" on tranquillity or dark skies and there is no evidence before me to the contrary.	**Policy NE3, change to "*Development should maintain the tranquillity and dark skies of the parish*."**	Please clarify if we are meant to delete the two criteria points so that the policy will only contain this statement. That is correct. We will update as requested
Policy BHE3 – Maintaining the Built Character of Our Parish through High	**Page 29, second paragraph, change to "…to this Plan *and the***	All our Policies are contained within shaded text boxes and are clearly

Quality Design Part of the supporting text on page 29 is worded as though it is a Policy, which it is not. The final part of the Policy sets out a requirement for development to comply with guidance outside the control of the Neighbourhood Plan. I also note that design guidance is simply that. Notwithstanding this, I recognise that the Blackdown Hills Area of Outstanding Natural Beauty Design Guide for Houses provides helpful and locally distinctive guidance.	***Parish Council is keen for it to be taken into account as part of future development proposals in Stockland*.”** **Policy BHE3, line 2, change to “…proposals for development will be supported *where they take into account the Blackdown Hills Area of Outstanding Natural Beauty Design Guide for Houses and:* i) ensure that the size…**	identifiable. We believe that the phrase ‘the Parish Council is keen for it to be taken into account’ is not one we would like to have within the document. Instead we suggest that the last sentence in the paragraph should be: ‘The Design Guide for Houses is reproduced in full as an appendix to this Plan.’ [Delete remaining text after this point in the paragraph] This should be fine, but good idea to mention the appendix number. We agree with this but believe that to avoid repetition, the last 2 lines in the policy should be reworded to: ‘The Blackdown Hills Area of Outstanding Natural Beauty Design Guide for Houses is set out in Appendix 3 of this Plan.’ I think this can be removed altogether as you state this in the supporting text. Tim, having discussed this, we would prefer to go with what the Examiner has recommended and we will update the document according to his wishes
Policy CFS3 – Loss of Local Community Facilities, Amenities and Locally Valued Assets through Redevelopment The wording of criterion i) of the Policy is unclear and I make recommendation in this regard below, in the interests of clarity. In Paragraph 188, the Framework recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning system for all parties and that good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community. However, unless required by law, engagement with the local community is a desirable, rather than compulsory requirement. This in mind, the recommendation below acknowledges the aims of the Neighbourhood Plan, having regard to national policy. Criterion iii) of Policy CFS3 is confusingly worded. Further, it	**Delete Policy CFS3 ii)** **Add new sentence to the end of Policy CFS3, “*In all circumstances involving the change of use or possible loss of community facilities, prospective developers are encouraged to engage with the local community at the earliest opportunity*.”** **Delete Policy CFS3 iii)**	Criterion i) is not mentioned below? A fair point, this will require raising with the Examiner. Please clarify this point with the Examiner We are not going against the Framework or the Local Plan. We are seeking to build on the recommendation for early engagement in the Framework, and make it a policy within our Neighbourhood Area Unfortunately, you cannot make this a compulsory requirement. The Examiner has provided a compromise through the suggested additional sentence. OK, we understand and will conform to the Examiner’s requested changes Agree

contradicts part i) of the Policy. If a community use is not viable, then it may not be possible to prevent its loss		Agree
Policy EE2 – Conversion of Agricultural Buildings As worded, the opening sentence of Policy EE2, "…*where it is justified in order to support farm diversification in the interests of viability and*…" places an onerous requirement on applicants to demonstrate both that conversion will lead to diversification and that it is in the interests of viability. There is nothing to demonstrate why such a departure from national or local policy and resulting failure to meet the basic conditions, is necessary or supported by evidence. Policy EE2 goes on to refer to "*significant harmful impacts,*" "*unacceptable impacts*" and "*unacceptable conflicts,*" without defining what these might be. In this regard, Policy EE2 fails to provide a decision maker with a clear indication of how to react to a development proposal. The final part of the Policy refers to "*substantial…extension."* Again, this is an imprecise term and I address it in the recommendations below.	**Policy EE2, change to "*The conversion of existing agricultural buildings for business or business-related purposes, where the benefits of such development outweigh any harm to local character, residential amenity or highway safety, will be supported, subject to the conversion not requiring substantial rebuilding, or resulting in disproportionate extension*."**	We are of the opinion that the proposed new wording is imprecise and also 'fails to provide a decision maker with a clear indication of how to react to a development proposal'.Can this be discussed please? I think you are alluding to what would constitute a benefit that would outweigh harm to local character, residential amenity or highway safety. I have formed some alternative policy wording which I can run by the Examiner if you are happy. To support farm diversification, the conversion of existing agricultural buildings for business or business-related purposes will be supported where: **1)** The proposal would be compatible with its landscape setting. **2)** The local road network could safely accommodate the increase in vehicles resulting from the proposal. **3)** The proposal complements, or is otherwise compatible with the agricultural or other land based activities present in the area. **4)** The proposal would not harm the amenity of neighbouring residents and/or other uses. **5)** The buildings concerned would not require substantial rebuilding or disproportionate extension. Tim, we have discussed this and we would prefer to have your suggestions as stated above. Please speak to the Examiner and seek agreement on our behalf
Policy ELC1 – Small Scale Renewable and Low Carbon Energy Schemes As worded, Policy ELC1 i) is confusing, partly due to the use of grammar. It is not clear, for example, how low carbon energy schemes can provide "…*appropriate landscaping used where necessary to protect the quality of…tranquillity and wildlife habitats*" or why this will be relevant or necessary in all cases. To a large degree, the second criterion, Policy ELC1 ii), repeats the intent of the preceding criterion. Furthermore, it is unclear how a proposal can demonstrate "*how it will not*" have an adverse impact. This is an unreasonable policy requirement and due to the repetition referred to, is unnecessary.	**Policy ELC1, change first paragraph to "…sensitively sited *and where necessary, appropriately landscaped, in order* to protect the quality of Stockland's…"** **Delete Policy ELC1 ii) ("Proposals…habitats.")** **Replace ELC iii) with a new sentence (not forming a bullet point) *"Proposals for renewable or low***	Agree in principal. However, as we no longer have two Policies (one for Small and one for Large Scale Renewable Schemes), then the titles within the supporting text and the Policy itself should be changed to 'Renewable and Low Carbon Energy Schemes'. That would make sense. OK, we will update the NP accordingly

The final part of the Policy seeks to impose a requirement to take non-adopted guidance, not controlled by the Neighbourhood Plan, into account. Guidance is simply that. I acknowledge that the "*Renewable Energy in the Blackdown Hills Report 2010*" provides useful information and take this into account in the recommendations below.	***carbon energy schemes are encouraged to take into account the advice given in the "Renewable Energy in the Blackdown Hills Report {2010).""***	
However, it is not clear why Appendix 1 is included in the Neighbourhood Plan. This is a long background document. It does not add any clarity to the Neighbourhood Plan but rather detracts from the concise nature of the document. The content of the Appendix simply forms part of the Evidence Base. I note that the recommendations made in this Report will have a subsequent impact on page numbering and Contents.	**Remove Appendix 1 from the Neighbourhood Plan** **Update the Contents and page numbering to reflect recommendations**	We disagree. Stockland Parish Councillors find that this is a very useful part of the document. It concisely contains all the policies and will be a ready reference when we have to consider planning applications (assuming the plan passes the local referendum). We believe these to be somewhat subjective recommendations, and we would ask for the Examiner to reconsider them. Same comments as mentioned earlier. If the Parish Council finds this useful to include then it can form a separate document outside of the Neighbourhood Plan. Lympstone produced a summary document that wasn't included in the Plan which seemed to work well. Yes, we will remove offending sections to a new document for Stockland PC internal use. Agree. Presumably the 'Date of Plan versions' box will also need to be updated at the same time. This appears on the reverse of the cover of the document. That makes sense.