

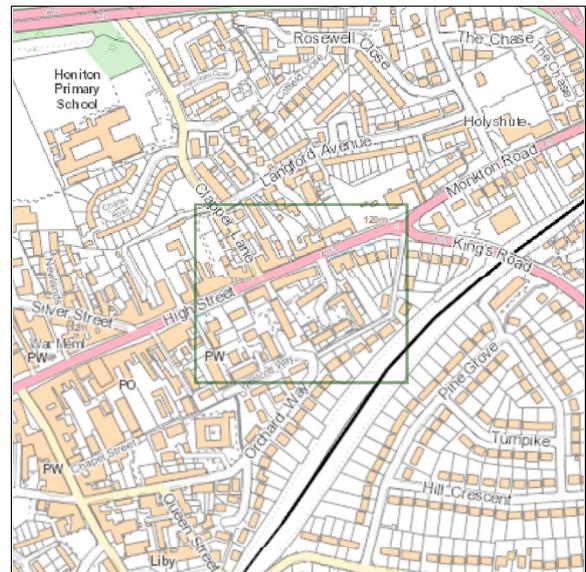
Ward Honiton St Pauls

Reference 19/0527/FUL

Applicant Mr & Mrs D & A Wilkinson

Location 32-34 High Street Honiton EX14 1PU

Proposal Proposed conversion and extension of existing building to create 4 no. dwellings, including the creation of amenity spaces and parking areas to rear, and other external alterations



RECOMMENDATION: Refusal



		Committee Date: 9th July 2019
Honiton St Pauls (Honiton)	19/0527/FUL	Target Date: 07.05.2019
Applicant:	Mr & Mrs D & A Wilkinson	
Location:	32-34 High Street Honiton	
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RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation is contrary to the view of a Ward Member.

Permission is sought for the conversion of a building on Honiton High Street to provide 4 dwellings. The building was previously used as a mental health resource centre and ancillary offices and has a disabled access, parking area and a large cherry tree to the rear. The application states the resource centre closed in April 2017 although notwithstanding this, the site's D1 use remains extant.

The proposal would involve minor changes to the front of the building and more substantive changes to the rear, including extensions to the first floor, although the main roofline and footprint of the building would remain unchanged. Small gardens and parking spaces would be provided to the rear of the dwellings and the cherry tree is intended to be retained.

No concerns are raised in relation to design, residential amenity, or parking and it is accepted that the proposed dwellings would be in a sustainable location. However the conversion of the site would entail the loss of a sustainably located community facility site and employment site, with associated social and economic harms which would impact negatively on the vitality and viability of Honiton.

No evidence of 12 months of marketing of the site for the current or a similar use, without success, has been provided and neither has evidence been provided of a local surplus of employment or community sites. This is required by Strategy 32 of the Local Plan and as such the proposal is contrary to Local Plan policy with resultant harm from the loss of employment and community facilities that the site has historically provided.

The application is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

8.4.19

Unanimous support.

Note: Members discussed the Cherry Tree on the application site which is one of the very few mature trees in the area. Members would ask that a TPO be placed on the tree to ensure that it is protected, and that the applicant provide details of the tree protection measures that will be taken during the construction phase which are to be approved by the Arboricultural Officer prior to planning permission being granted.

The Applicant spoke in favour of the application.

Members unanimously agreed that a site visit should be arranged with the applicant with regards to concerns that had been raised regarding the access and parking arrangements proposed. Members would consider the item again at the next planning meeting.

1 member of the public spoke against the application.

Further comments 30.5.19:

Members RESOLVED to defer the further consideration of this application and the amended plans received to the next planning meeting to enable the Deputy Town Clerk to clarify queries raised regarding parking and the amended location plan submitted by the applicant.

(6 for; 1 against)

Further comments 13.6.19:

Members RESOLVED to make no comment in respect of the additional information provided.

(6 for; 2 against)

Honiton St Pauls - Cllr Dean Barrow

10.6.19

I am fully in favour of this development.

The building had been left empty for over 18 months when DCC chose to sell it off rather find another community use for it.

Technical Consultations

EDDC Trees

3/6/19

Although I have no objection in principle to development, the tree protection measures are not to a BS5837:2012 standard, the TPP is none existent in plan format and the AMS is only describing a 1m radius for tree protection fencing and will not protect the canopy of the tree, it is agreed about the hardstanding protecting the roots. Consideration should be given to amending these details

Further comments 11.6.19:

As my previous response

Other Representations

One objection has been received sent on behalf of a neighbour raising the following planning-related concerns:

- The formal notification procedure of neighbouring landowner by applicant was not followed (this has now been addressed).
- The elevation and plan views contradict one another (this has now been addressed).
- The extent of the application site in relation to land within applicant's land ownership is unclear (this has now been rectified).
- A large cherry tree could be affected.

A concern was also raised that if the access gap between no. 30 and the site were to be altered this would result in loss of parking for no.30, however the arrangements for access over private land owned by a neighbour is considered to be a civil rather than a planning matter.

PLANNING HISTORY

Various uses have been approved over time, in addition to various extensions and alterations. The change of use applications are listed below (most recent at the top).

Reference	Description	Decision	Date
95/P1613	Change of use from Pottery to Mental Health Resource Base (DCC Proposal)	Approve	07.12.1995
93/P2002	Change of use to 3 dwellings	Approve	19.01.1994
78/C0656	Change of use from residential to shop/office	Approve	23.05.1978
74/C0182	Change of use to business retail shop with office and store	Approve	3.9.1974

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 23 (Development at Honiton)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

National Planning Practice Guidance

NPPF (National Planning Policy Framework 2019)

Neighbourhood Plan

No draft plan is currently available.

Site Location and Description

The site is within the Built Up Area Boundary of Honiton on the southeast side of the High Street. It includes an existing 2 storey semi-detached building, which has the appearance of 2 dwellings, with principle elevations facing onto the High Street.

The site appeared to be vacant at the date of site visit on 28/3/19 but is understood to have been last used in connection with the provision of mental health services.

There is disabled ramp access adjoining the rear of the building leading onto a surfaced area which is understood to have been used as a parking area. This is accessible via Pottery Close (which is public highway) to the east, and across an area of private land. There is a cherry tree at the rear of the building, outside of but adjacent to the application site.

There are residential neighbours immediately adjoining the site (in an attached building) to the northeast, and also residential neighbours slightly further away to southwest and southeast, including in sheltered accommodation to the southwest.

The site is outside of, but close to a Conservation Area and there are Listed buildings diagonally opposite on far side of High Street.

Proposal

The application proposes the change of use, conversion and extension of the building to create 4 dwellings. The dwellings would benefit from a rear amenity and parking area.

Since the initial submission of the application the agent has rectified an error regarding notifications of other owners of the site. He has also revised the site boundary to include an access route to the public highway and to omit a small area of land, owned by the applicant, from the development site.

ANALYSIS

The main issues for consideration are whether the conversion and change of use of the building to 4 dwellings is acceptable in principle; whether this would have a detrimental impact upon the community/employment opportunities within Honiton; and the suitability of the proposal in terms of the character of the area, impacts on trees, highway safety, travel, parking, and residential amenity.

Principle

The site lies within the Built-up Area boundary where according to LP Strategy 6, changes of use are acceptable in principle subject to a number of criteria.

However, the proposal is also subject to Strategy 32 of the Local Plan that resists the loss of employment and community sites and buildings to alternative uses. This policy is relevant as the lawful use of the building is as a community/employment use.

Strategy 32 states that such site should be marketed for at least 12 months (and up to 2 years depending upon market conditions) before the loss can be accepted. In addition, the Strategy states that the unit should only be lost where there is a clear demonstration of surplus supply of land or provision in the locality.

Whether the proposal is acceptable in principle therefore falls to consideration of the proposal against Strategy 32 and whether adequate marketing has taken place and it has been demonstrated that there is a surplus supply of community/employment land in the area.

It is known from responses to similar proposals from the Economic Development Manager that there are a lack of community and employment opportunities in Honiton, reflected by the full nature of the East Devon Business Centre and lack of premises being marketed with Honiton for commercial or small scale office use in existing buildings.

Loss of employment opportunities

The last time the site was occupied it was a mental health resource base (with ancillary offices) operated by the charity Mind. Whilst this particular facility is stated to have closed in April 2017, the site's D1 use class remains extant. Whilst a D1 use, the site will have provided employment for a number of staff. The average number of

employees engaged at the resource base (in the building which remains at the site) is unknown, but given the building's size, it could have accommodated a number of employees, engaged both in the direct provision of support and care to clients and in the ancillary offices. It is therefore considered that the site was a significant employer when last occupied.

With the D1 use extant, the site remains an employment opportunity and given its sustainable location, within easy reach of public transport services and convenient for journeys on foot or bicycle from peripheral residential areas of Honiton, it is considered to be a sustainable and suitable site for continued employment use.

The proposed change of use from class D1 to class C3 residential use would see the loss of the employment opportunities, harming opportunities in the town and in turn the local economy.

It is acknowledged that the conversion works to create 4 dwellings would offer construction related employment, however given that such works would take place over a finite period and that they would not be substantive (as the proposal does not involve construction of an entirely new building but the conversion of an existing one) it is not considered that this construction related employment would compensate for the loss of this employment opportunities at the site, which could provide local employment in Honiton in the long term if it were retained.

No site marketing evidence has been provided with the application nor has any evidence been provided of a surplus of alternative employment sites available nearby. In the absence of evidence of marketing the site for 12 months in its current use class without success, or a clear demonstration of a surplus supply of employment sites in the area, the proposal is considered to conflict with the requirements of Strategy 32 with regard to the loss of an employment site. The final paragraph to Strategy 32 confirming that the policy covers 'main town centre uses and other uses that directly provide jobs or employment.

Loss of community facilities

As well as Strategy 32 being relevant to uses that provide jobs, the policy wording confirms the policy relates to town centre uses and community meeting space or where a community or social function is carried out. As such the loss of the social health resource element of the previous use falls under Strategy 32.

The site's use as a mental health resource base, up until its closure in April 2017, would have contributed to local healthcare provision.

Information provided by the agent indicates that following the closure of the resource base the particular mental health care services previously provided there were to be provided by Devon County Council and the NHS in a different way, with care being provided over a finite 12 week period instead of via a drop-in centre.

Whilst press articles at the time (provided by the agent) indicate local objection to this change in approach, given that the healthcare service has been re-provided to the community in some form, it is not considered that the proposal represents the total

loss of the particular type of health care previously provided at this site. It is considered, however, that the site could potentially be used for other healthcare services within the site's D1 use class and it is noted that several LP strategies seek to ensure that healthcare provision within communities is adequate. For example, LP Strategy 3 supports the provision of health care facilities (amongst others) to promote social wellbeing and LP Strategy 4, in seeking to support balanced communities, encourages a match between community facilities, homes, education and jobs, indicating that health facilities play a central part in community life. In addition, LP Strategy 23, relating to development at Honiton, aims to support health and other service providers to meet their accommodation needs and aspirations for new and improved facilities.

It is known that housing provision is increasing within Honiton but it is unknown whether health care sites are likely to be adequate in relation to this. Although the site has been vacant for 2 years, no evidence has been submitted to indicate that it has been marketed for its previous use or a similar use for a period of 12 months and no evidence has been submitted to demonstrate a surplus of land for such uses either. Consequently it is considered that a lack of demand for such sites has not been demonstrated and is unknown, and that little opportunity has been provided for healthcare providers, public or otherwise, to consider the site's potential role in future healthcare provision. The loss of a community health care facility at the site, which is considered to be particularly valuable in terms of contributing to community vibrancy and reducing need to travel by private vehicle (due to the site's edge of town centre location), is therefore considered to represent a social harm.

The extent to which the site played a community and social gathering role when it was last occupied is not known with certainty, because it is not known whether the resource base just provided 1-2-1 care or a space for clients to meet and socialise, or both. A press article relating to the closure of the mental health facility suggests that it provided an opportunity for social contact for clients, helping them to feel a part of the community. This is an indication that the site performed a social gathering role for clients, even if not for the wider community. The site has a lawful D1 use and could theoretically be occupied, without the need for planning permission, for another use in this class providing for social gathering e.g. as a public hall or a nursery, although it is also acknowledged that other D1 uses would provide little or no social gathering opportunities e.g. a dentist surgery. On balance, taking into account the site's previous use, it is considered that the proposed change of use represents a harm to social gathering opportunities in the area.

The proposal would see the loss of a sustainably located health care site and a site which played a modest role for social gathering within the community, and thus represents social harms on both counts. It is not considered the social benefit associated with the proposed provision of 4 dwellings would outweigh these harms.

Therefore in accordance with Strategy 32, in the absence of evidence indicating that site has been marketed for its current or a similar use for a period of 12 months without interest and in the absence of a clear demonstration of a surplus supply of sites for this or a similar use, the proposed change of use is considered to be unacceptable.

Character of the Area

The proposed design would involve minor changes to the building's prominent north facing frontage onto the High Street. Half the front facing windows would remain the same and half would have upvc replaced with timber sash windows, which is considered to be an improvement in design terms.

The front doorway openings would remain in their current positions although the easternmost door opening would have door case detail added. The front doors of the 4 proposed dwellings would not be flush with the existing openings. Instead, a pair of facing doors would be recessed behind open front porches behind each of the two existing front door openings. Taken together, these changes are considered unlikely to harm the character and appearance of the front of the building.

The changes to the rear façade would be more substantive, involving extensions at the first floor level and new windows, doors and infill panels, however the footprint of the building and the main roofline would remain as existing. The alterations/loss of the existing features to the rear does not raise concerns as this façade is less prominent within the street scene and the existing features contribute little to the architectural merit or character of the building.

No changes to the western elevation are proposed.

The existing rear ramp to the back porch of the building, and a small area of the existing rear yard would be removed (with some excavation work) and replaced by 4 small rear gardens. The remaining rear area of the site would be used as a parking area, which is largely a continuation of the previous layout arrangement. Overall, it is considered that the proposed design would not harm the building's character and appearance and that the proposal would not be at odds with its context.

Trees

In response to concerns raised, a tree protection scheme was submitted during the course of the application. The tree officer has advised that whilst there is no in principle objection to the development, the tree protection measures proposed are inadequate. It is considered that it would be feasible to carry out the development without unacceptable harm to the cherry tree, provided improved tree protection measures were in place and secured by condition.

Highway Safety, Travel and Parking

The site has convenient access to public transport and goods and services needed by residents are available close by, within a reasonable walking or cycling distance.

Were the proposed change of use to be approved, residents at this location would therefore be unlikely to depend on private vehicle, so the small car park proposed (with only 4 parking spaces) is considered to be adequate despite this falling short of the parking guidelines in Policy TC9 that would require 2 spaces per dwelling (8 spaces).

The vehicular access is as previously used at this site and no highway objection have been raised in relation to this or other highways issues. The proposal is therefore considered to be acceptable with regard to highway safety, parking and need to travel.

Amenity

There would be new first floor windows to the rear of the building however it is not considered that these would generate harmful overlooking or loss of privacy to neighbours due to the angles and distances involved.

Potential impacts upon daylighting and outlook of the neighbouring residential building to the west (sheltered housing) due to the proposed first floor extension elements have been considered. Taking into consideration the blocking effect of the existing roof of the application building and the angles between the east facing window of that neighbouring building and the new roof, it is considered that unacceptable impacts are unlikely to arise.

The 4 new dwellings would have small gardens and in addition occupants would have access to public open space within a reasonable distance, (i.e. within a few hundred metres) therefore the amenity of the dwellings themselves is considered to be adequate.

Other issues

Concerns were raised by a contributor regarding the potential relocation of an access opening on the property boundary between the site and their land, and the impact this would have on parking arrangements on their land. This is considered to relate to a civil matter and thus is not considered in this assessment.

CONCLUSION

The proposal could make a modest contribution to sustainably located housing supply without harm to the character of the locality, residential amenity, highway safety or a mature tree adjacent to the site.

However, no evidence of 12 months of marketing has been provided to demonstrate that there is no demand for the site for a healthcare or a similar use, and neither has any evidence been provided to demonstrate a surplus supply of employment, healthcare or community facility sites in the area. In the light of this, the social benefits associated with the provision of 4 dwellings are not considered sufficient to outweigh the social and economic harms which would arise from the loss of this sustainably located site, with its extant D1 use, which is capable of being put to other community facility uses (including health care facilities) and supporting community gathering.

As such the proposal is considered to represent unsustainable development contrary to Strategy 32 of the Local Plan.

RECOMMENDATION

REFUSE for the following reason:

1. In the opinion of the Local Planning Authority, insufficient evidence has been provided to demonstrate that the site has been adequately marketed and fully

explored for employment and/or community uses. In addition, it has not been adequately demonstrated that there is a surplus of employment or community land and premises in the locality. As such, the proposed development would result in the unacceptable loss of an employment and community building which would harm community social gathering and employment opportunities in the area, contrary to the provisions of Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the East Devon Local Plan 2013-2031.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

1889/001 Rev 02	Location Plan	18.04.19
1889/102 Rev 01	Sections	18.04.19
1889/200 Rev 02	Proposed Combined Plans	18.04.19
1889/201 Rev 02	Proposed Elevation	18.04.19

List of Background Papers

Application file, consultations and policy documents referred to in the report.