

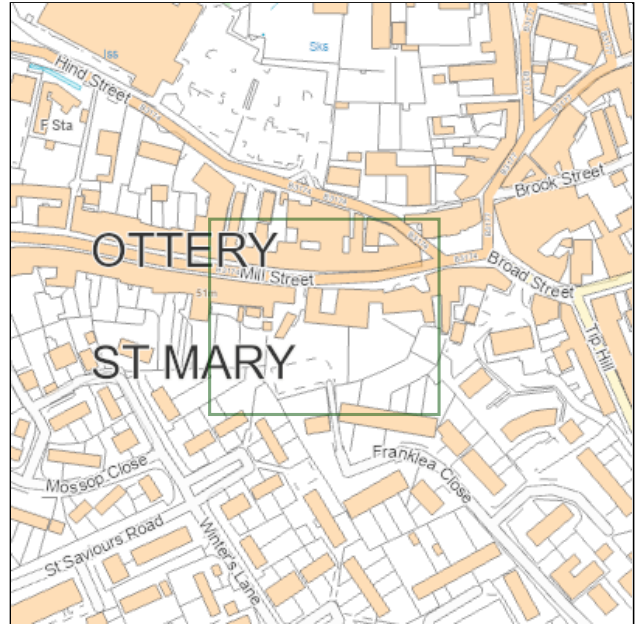
Ward Ottery St Mary

Reference 24/0166/FUL

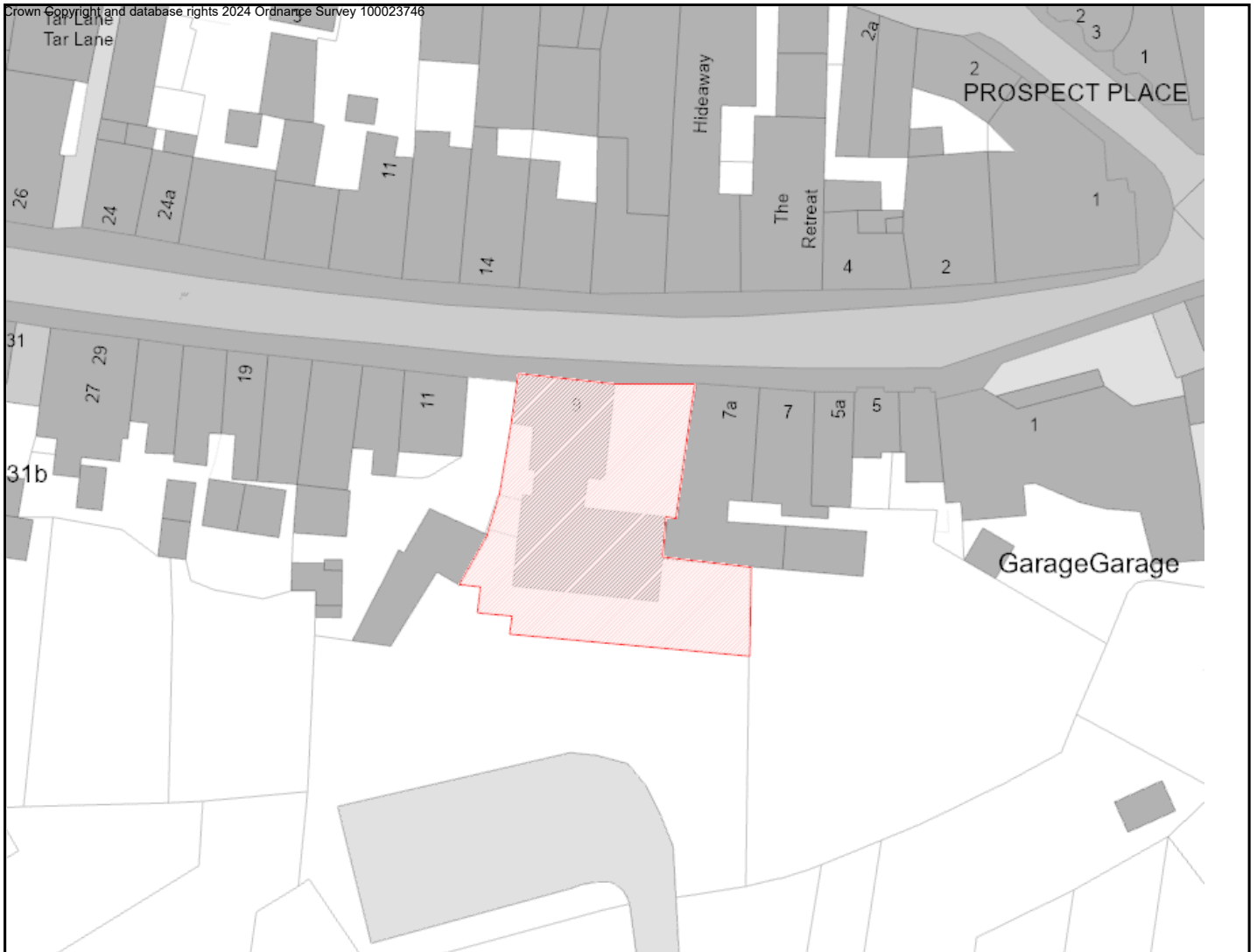
Applicant Taylor

Location 9 Mill Street Ottery St Mary Devon EX11 1AA

Proposal Conversion of existing office to two dwellings



RECOMMENDATION: Refusal



		Committee Date: 23.04.2024
Ottery St Mary (Ottery St Mary)	24/0166/FUL	Target Date: 26.03.2024
Applicant:	Taylor	
Location:	9 Mill Street Ottery St Mary	
Proposal:	Conversion of existing office to two dwellings	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is brought before the Planning Committee owing to the officer recommendation being in conflict with comments received from the Ward Councillor.

The application site is 'The Old Manse', a former Manse House and 1970s extension within the town centre and conservation area of Ottery St Mary which is currently in employment use but has been vacant since 2016. The proposal involves the redevelopment of the existing Old Manse building and office annexe extension into two residential dwellings.

The Old Manse building is proposed as being returned back to a 3 bedroom house, which will involve minor changes to the interior configuration and the repair of the existing sash windows and porch. New railings are proposed along Mill Street to enclose the garden. The existing office annexe is proposed as being reconfigured as a single storey 3 bedroom dwelling.

The Parish Council and East Devon's Economic Development Officer have no objections to the scheme. The Ward Councillor supports the recommendation for refusal but does not support the change of use from employment use.

The proposed alterations to the buildings would reflect the surrounding context and the proposal will preserve and enhance the conservation area. The proposal would not give rise to any adverse effects on residential amenity to adjoining neighbours or future occupiers and given the site's town centre location the limited car parking proposed is considered acceptable in policy terms.

Insufficient information has been provided with the application to assess the likely negative effects on protected species and their habitats, contrary to the provisions of Policy EN5 of the local plan. The presumption in favour of sustainable development does not apply where the proposal is likely to have a

significant effect on a habitats site unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats site. The potential harm to protected species therefore outweighs the benefits of the scheme and as such it is considered that the application should be refused.

CONSULTATIONS

Local Consultations

Parish/Town Council

Town Council comments: The Council support the application.

Ottery St Mary - Cllr Peter Faithfull

Dear Planning Central Team

I am writing in relation to planning application 24/0166/FUL. This application is in my ward and my preliminary view, based on the information presently available is that it should be refused.

This building is presently classed as employment use. Ottery has lost many important business sites to residential use over the recent years, to the point that there is a shortage of such buildings. While they often have needed to change the classification of use with the change in the local market, that does not justify losing all employment to housing. At present the building is in very poor condition, which would make it of little interest to most business. That does not justify a change of use to housing but rather a that the building needs repairs before offering out to the business community.

I support the officer's recommendation for refusal.

These are my views, based on the information presently available to me. I reserve my right to change my views in the event that further information becomes available to me.

Kind regards

Technical Consultations

Economic Development Officer – No objection

Conservation Officer - Proposal acceptable

EDDC District Ecologist – There are areas within the roof where bats could roost unseen and given that three different types of bats were using the site in October 2022 the application should have been supported by bat activity surveys to assess the potential impacts to protected species.

Other Representations

No third party representations have been received

PLANNING HISTORY

Reference	Description	Decision	Date
75/C0602	Construction Of Office Extension	Approval with conditions	09.09.1975
76/C0272	Construction Of Office Extension	Approval with conditions	29.06.1976
01/P2581	Proposed Residential Development Of Land To Rear Of The Old Manse [Amended Proposal]	Refusal	18.02.2003
01/P2582	Alterations To Layout Of Office Parking And Two Bungalows To Part Of Land To Rear Of The Old Manse	Withdrawn	16.12.2002
09/1985/ADV	Proposed advertisement sign	Refusal	20.11.2009
13/1200/MFUL	Change of use from A2 (Financial & Professional Services) to A1 (Shops), A2 (Financial & Professional Services) A3 (Restaurants & Cafes), and A4 (Drinking Establishment) and conversion of part to form 1 no. maisonette, 2 no. flats (C3 Dwelling Houses) and 8 no. townhouses	Withdrawn	19.08.2013

14/0662/MFUL	Change of use on the ground floor of The Old Manse from A2 (Financial & Professional Services) to A1 (Shops)/A2 (Financial & Professional Services)/A3 (Restaurants & Cafes)/A4 (Drinking Establishments); conversion of the upper floors to form 1 no. maisonette; construction of an additional storey on the Annex and conversion to form 2 no. flats; and construction of 8 no. townhouses.	Refusal	05.06.2014
16/1987/MFUL	Change of use on the ground floor of The Old Manse from A2 (Financial & Professional Services) to A1 (Shops)/A2 (Financial & Professional Services)/A3 (Restaurants & Cafes)/A4 (Drinking Establishments); conversion of the upper floors to form 1 no. maisonette; construction of an additional storey on the Annex and conversion to form 2 no. flats; and construction of 7 no. townhouses.	Approval with conditions	04.04.2018
22/1645/FUL	Construction of 3 no. detached dwellings to rear of The Old Manse with associated amenity space and parking.	Approval with conditions	28.04.2023

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 24 (Development at Ottery St Mary)

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

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)
EN10 (Conservation Areas)
E9 (Town Centre Vitality and Shopping Areas)
E10 (Primary Shopping Frontages)
TC2 (Accessibility of New Development)
TC9 (Parking Provision in New Development)

Ottery St Mary and West Hill Neighbourhood (Made)

Policy NP2: Sensitive, High Quality Design
Policy NP9: Accessible Developments
Policy NP12: Appropriate Housing Mix
Policy NP14: Demonstrating Infrastructure Capacity
Policy NP18: Supporting Ottery St Mary as the Economic Focus for the Parish
Policy NP22 Ottery St Mary Conservation Area
Policy NP24: Car parking in Ottery St Mary Town Centre

Government Planning Documents

NPPF (National Planning Policy Framework 2023)

ANALYSIS

Site Location and Description

Mill Street is one of the principal streets in Ottery St Mary running east to west through the town centre. No. 9 Mill Street is on the south of the street, and sits perpendicular to the street, with a small garden / amenity area facing the street to the east of the house. The ground floor of the house is slightly elevated above street level, with a small retaining wall running along Mill Street between the garden and the street. The house is accessed via a pedestrian gate in the retaining wall, with steps up to the garden level.

Built as a Manse House in the mid nineteenth century, the house was a clerical house until 1963, when it became a private home. From the 1970s until 2014 the building was in commercial use, but since then the building has been vacant.

The Old Manse is a two storey house with rendered east and west elevations and a red brick north / street facing elevation, laid in a garden wall bond. The house has an attic storey with a west facing dormer window and a further attic gable window. The principle elevation is symmetrical about the front entrance door, with 16 pane sash windows, boarded to the ground floor, either side of the front door which is also boarded. The house has a barrel roofed porch supported on slender columns. The entrance door and arched fanlight are both boarded but there is raised and fielded panelling to the entrance door reveals. The Old Manse is within the Ottery St Mary Conservation Area and is highlighted as a building of architectural importance which makes a significant contribution to the townscape.

A significant extension was added to the original house during the 1970s, which sits perpendicular to the Manse building to the rear of the Manse's garden, but at a higher level, reflecting the topography of the site. The extension is accessed via a two storey flat roofed extension.

Since becoming vacant the building has deteriorated and is currently in a poor condition. The windows have been boarded to prevent access to squatters. An internal inspection of the property was not made during the site visit but the applicant has submitted internal photographs of the house which show that the building is in a dilapidated state. There are areas of lath and plaster having been removed from walls and ceilings in various locations, an area of exposed cob in one of the first floor rooms, and there are areas where floorboards have been removed. One of the rooms has some missing floor joists and floor boards with the remaining floor structure looking to have a significant bow across it.

Proposed Development

The proposal involves the redevelopment of the existing Old Manse building and office annexe extension into two residential dwellings.

The Old Manse building is proposed as being returned back to its original use as a single house, with living room, office and large kitchen diner to the ground floor, and three bedrooms to the first floor. At ground floor the proposal involves the removal of a number of modern partitions and one historic partition, and minor alterations to the first floor level. No changes are proposed to the second floor layout, and the two existing rooms within the loft space are indicated as a store room and a play room.

Few changes are proposed to the external elevations of the Old Manse. The existing sash windows and porch are proposed as being retained and repaired. The flat roofed link between the Old Manse and the higher level extension is currently predominately glazed. The large window opening to the ground floor is being retained and fitted with new French doors from the kitchen, and at first floor level the large vertical glazed elements are proposed as being removed and replaced with a more domestically proportioned window with head height to match the windows on the adjacent Manse building.

No changes are proposed to the north / street facing elevation or to the west elevation of the Old Manse. The timber dormer windows to the west elevation roof are proposed as being repaired.

New railings are proposed to be fitted to the brick retaining wall between the Manse garden and Mill Street, to enclose the garden.

The existing office annexe is proposed as being reconfigured as a single storey 3 bedroom dwelling. The access to the dwelling is to the rear of the Old Manse building and up the existing external steps, to a newly created porch extension on the south elevation on the annexe building. The building has been arranged with a large open plan kitchen and living area facing south towards the small enclosed garden, and bedrooms to the northern end of the dwelling.

The existing annexe has very large windows to both its north and south facing elevations, reflecting the era in which it was constructed. The proposal shows the windows being reduced in number and size to reflect a more domestic proportion to the elevations.

The drawings indicate that new windows to the annexe are proposed to be of UPVC, with the roof being retiled. The proposed roofing material is not specified.

Analysis

The principal issues for consideration are the principle of development, the design impact on the character of the site, the impact on the conservation area, residential amenity, parking and ecology.

Principle of Development

The site is within the Built Up Area Boundary for Ottery St Mary where development is acceptable in principle. The site is within the Town Centre Shopping Area and on a Primary Shopping Frontage as defined in the Local Plan proposals map.

The building has been vacant since the legal practice who were based in the Old Manse moved out in 2014 - 2016. East Devon Local Plan Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) states that '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 employment, retail and community uses'.

The policy goes on to state that permission would not normally be granted for the change of use of current or allocated employment premises unless any of the policy criteria can be met. Criteria 3 states that permission will not be granted for the change of use unless: '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'.

The applicant has submitted additional information in respect of the marketing effort of the property, including a copy of the Estate Agent's marketing details and a copy of the Estate Agent's letter of instruction dated 9th June 2023. Obviously, this is less than a year ago so does not fully comply with Strategy 32. A letter received from Hall and Scott Estate agents dated 22nd March 2024 confirms that prior to being marketed by Hall and Scott the property was being marketed by Francis Louis Estate Agents, with planning approval for use as a shop with a maisonette over, as per the 16/1987/MFUL approval which has now expired, but no written evidence has been provided as to the date of this. Hall and Scott Estate Agents have also provided full details of all property viewings undertaken since 9th June 2023. The agents have undertaken 10 viewings with a total of 7 interested parties. The agent confirmed that none of these had any interest in the building from a commercial point of view, and that at present they have an interested party who would want to convert the property back to a family home which they would occupy themselves.

It is clear from the planning history that the building has been empty since the former occupiers moved out in 2014-2016, which is approaching a decade ago. The submission also contains a letter from Everett Masson and Furby confirming there is very little demand for commercial premises within the town centre of Ottery St Mary, because of the rise in home working and the preference for modern office buildings on the outskirts of Exeter.

The submitted design and access statement states that the following premises in Ottery St Mary are empty and available to rent as at January 2024, although no evidence has been provided to substantiate this: eight offices in Otter Mill; two properties in Cornhill Way; three takeaways and five café / restaurants; one property in Hind Street, one in Jesu Street, and six properties in Broad Street including three office rentals.

Photographs submitted with the application confirm that the building is currently not in a condition that could be rented out without significant repairs being undertaken first. On this basis, it is not envisaged that a suitable buyer would choose these premises for commercial use, which would require considerable investment before being useable, over alternative buildings within the town centre that are immediately useable.

The East Devon Economic Development team stated in their response that they are aware of reduced demand for office space within the district, and that the re-use of this dilapidated building would clearly benefit the wider town centre. On this basis they have no objection to the application.

The Town Council are also in support of the application. Given the availability of other commercial premises within the town centre shopping area that offer suitable accommodation for a range of businesses, it is not considered that the loss of 9 Mill Street would harm business and employment opportunities in the area.

Strategy 24 (Development at Ottery St Mary) of the Local plan seeks to ensure development is focused on meeting local needs and making the town a more vibrant centre, and states that the viability of the town centre will be enhanced through additional housing development. Turning an un-used building into new dwellings would add vibrancy to the town centre.

Design impact on character of site

The application is for change of use of the existing buildings, and as such the proposal will not result in any changes to the massing or height of the existing buildings.

The Old Manse is referred to within the Ottery St Mary Conservation Area appraisal as a key building which makes a significant contribution to the townscape. The current condition of the building detracts from the character and appearance of the area however. The proposed scheme does not propose any changes to the elevations of the historic parts of the Old Manse building, other than repairs to the existing fabric. The scheme proposes retention and repair of the existing sash windows and the porch, which will enhance the building and the wider conservation area. It is not clear from the drawings whether the historic front door is still in situ behind the security boarding. Any new door, if required, would be expected to be in timber and this can be dealt with via a condition imposed on any approval. The proposed changes to the two storey flat roofed extension to the south elevation of the Old Manse, which originally linked the building to the annexe, reduce the overall amount of glazing and introduce a larger percentage of solid wall, reflecting the

general characteristic seen within the conservation area. The proposed railings along the street elevation which will enclose the Old Manse's garden whilst still retaining this as an attractive and historic feature within the townscape.

The annexe building facing Mill Street has no ground floor level windows owing to the topography of the site. The first floor windows are currently a large horizontal strip of glazing running along the north elevation. The proposal looks to infill some of the existing glazed area to provide two smaller windows, which again would better reflect the surrounding architecture so is a welcome change to the elevations. The rear / south facing annexe elevations indicate minor changes to the window proportions to reduce the overall amount of glazing, but will still provide ample daylighting to the interiors.

No changes are proposed to the west elevation of the annexe building, other than replacement windows. These are proposed in upvc, but this elevation is quite prominent within the conservation area given its height above street level therefore these windows would be expected to be in timber. Again this can be dealt with via a condition on any approval to ensure the proposals preserve and enhance the conservation area.

New glazed doors are proposed from the east elevation of the annexe from which the garden may be accessed. The roof of the annexe building is proposed as being retiled, but the material for this is not specified. A traditional fixed natural slate would be suitable given the site's location within the conservation area. This can be dealt with via condition should the scheme be recommended for approval.

Heritage

The proposed repair works to the external elevations will improve the visual contribution the building makes to the historic and architectural character of the street scene and surrounding conservation area. Para. 203 of the NPPF states that 'In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. The Old Manse was still in residential in the 1960s therefore returning the building into residential use would be consistent with its conservation. The proposal would also preserve and enhance the appearance and character of the conservation area and the town centre.

The use of Upvc windows in conservation areas, as indicated to the proposed annexe elevations, is not supported therefore a condition will be imposed upon any approval to ensure the suitability of the proposed elevational finishes.

Residential / Neighbour Amenity

As the buildings are already in existence there is a limit to the considerations of residential amenity, however the potential changes in overlooking as a result of the change of use do need to be considered.

An area of land to the east of the existing annexe, measuring approximately 8 x 9 metres, is proposed as being the garden for the annexe bungalow. This is bounded by a 1.3 metre high retaining wall to the northern boundary. Beyond this is No. 7A Mill Street, whose first floor windows sit 10 metres away from the northern boundary. Given the relatively dense urban context in which these buildings are sited this is considered to be acceptable.

The proposed annexe bungalow would also be overlooked by the housing development under application no. 22/1645/FUL which is in the same ownership as this application.

Approved houses 2 and 3 are in relatively close proximity to the existing annexe. House 3 has small slot windows to the ground floor north west / annex facing elevation and is slightly offset from the annexe.

Approved house 2 is 9 metres south of the annex. The boundary fence to the rear garden of house 2 will provide privacy from overlooking from the ground floor living areas but there will be an element of overlooking between the bedrooms of house 2 and one of the bedrooms and living room of the proposed annexe bungalow. Again this is an urban town centre site and given the constraints of the existing buildings a small amount of overlooking is considered acceptable.

Highways, access and parking

The Old Manse has a single parking space to the rear of the building, which is indicated as being retained. The proposed annexe bungalow has no parking. The submission indicates 4 bicycle parking spaces are to be provided. Parking standards are laid out in Local Plan Policy TC9 (Parking Provision in New Development), confirming that the proposed cycle parking is adequate for the scheme. The policy states that 'In town centres where there is access to public car parks and/or on-street parking lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary'.

There is at least one bus an hour between Exeter and Honiton, with the last bus from Exeter leaving at 8.30pm, and a limited service between Sidmouth and Whimble which serves Ottery. This probably does not meet that standard required by the policy to negate the requirement for a parking space. The application site does however have access to on street parking within the town centre and access to public car parks, which would therefore meet the policy requirement for car parking to not be necessary for the proposed change of use.

Pedestrian access to the proposed annexe bungalow is via the footpath and steps to the west elevation of the Old Manse / annexe. The existing steps will require both lighting and handrails / balustrading to be fitted to the steps and to the presently unguarded areas at the top of the steps which is approximately 2 metres higher than the surrounding hard standing / parking area. A condition will be imposed should the scheme be recommended for approval in respect of the details of the stair guarding and lighting to ensure the suitability of the design given the site's location within the conservation area.

Ecology / biodiversity

A Preliminary Ecological Assessment (PEA) was submitted with the application. The report states that the urbanised environment is unfavourable for bats, and the survey also recorded negligible potential for bats externally and no evidence of bats internally.

However EDDC's district ecologist fundamentally disagrees with the assessment of the building having negligible suitability to support roosting bats. The photographs and description of the building, including its age, the amount of potential access points eg. through raised verge tiles, as well as the roof having a bituminous felt lining that offers suitable unseen roosting locations for bats, and given the number of bat roosts in the surrounding area, gives the building a low to moderate suitability to support roosting bats.

The ecology report states that the desk study indicates there are records of bat licences within the wider area. One of these is within 200 metres of the application site, contrary to the report statement that the urbanised environment is unfavourable for bats.

The previous application for the site 22/1645/FUL included the change of use of the Old Manse, but this element of the proposal was removed from the application following survey work which revealed evidence of bats within the building.

The district ecologist also confirms that three bat species were found in the building during a survey undertaken in October 2022, evidence of which would have been submitted to the Devon Biodiversity Records Centre and the Devon Bat Group. This evidence is not referred to in the PEA which accompanies this submission.

This application should have been supported by appropriate bat emergence surveys undertaken during the appropriate survey period to provide confidence in a negative assessment of bat use or to categorise any roost(s) present and allow appropriate avoidance and mitigation measures to be incorporated into the development. Bat roosts are legally protected and it is an offence to damage or destroy a roost without a license from Natural England. The submitted survey does not provide enough evidence to assess the likely negative effects on protected species, therefore on this basis planning permission must be refused.

Landscape Impacts

No details have been submitted in respect of the proposed landscape treatment around the existing annexe building in respect of proposed surface treatments or boundary treatments. The site plan indicates a low level retaining wall to the south of the annexe but again no details have been given in respect of the proposed materials of this wall or whether a boundary fence / landscaping will be required to the top of the retaining wall to ensure privacy between the annexe and the approved houses behind. Further details would be requested by way of condition in respect of the proposed landscaping details of the site including the access from Mill Street.

Other matters

The new sanitary facilities within the annexe building are proposed as connecting into the existing foul sewage. Rainwater disposal from the existing roofs will be as per the current arrangement. Surface water run off from the new hard landscaped areas around the annexe building are proposed as being dealt with via a soakaway.

The proposal indicates a bin store at the top of the external steps outside the annexe building. This is very close to a bedroom window, and given the change in height of around two metres between the proposed bin store location and street level this location is not considered appropriate. An alternative location has not yet been proposed by the applicant therefore this would have to be dealt with via condition in connection with the overall external works scheme in the event of an approval.

There are a number of existing mature trees along the application site boundary to the east of the existing annexe. No works are proposed near these trees and as such they will be unaffected by the proposals. The site is not within a flood risk area.

RECOMMENDATION

REFUSE for the following reasons:

1. Insufficient survey information has been provided to assess the potential impacts to protected species and their habitats that could arise as a result of the conversion of the existing offices to two dwellings. The full impact of the proposal on protected species cannot be properly considered in the absence of full survey information to confirm the presence or absence of protected species. Bat roosts are legally protected and the proposals for conversion of the existing building could lead to harm to protected species and the loss of habitats. The proposal for conversion of the existing office is therefore contrary to the Adopted East Devon Local Plan Policy EN5 (Wildlife Habitats and Features) and Paragraphs 185, 186 and 188 of the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

3887/05 West Elevation	Combined Plans	30.01.24
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3887/03	Ground	Proposed Floor Plans	24.01.24
3887/04		Proposed Floor Plans	24.01.24
	First/Second		
3887/06		Combined Plans	24.01.24
	North/South		
	Elevations		
3887/07	East	Combined Plans	24.01.24
	Elevation		
		Location Plan	06.03.24
3887/08 rev A		Proposed Site Plan	06.03.24

List of Background Papers

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

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Appendix - Technical Consultations

Economic Development Officer

08/03/24 - Recommendation: No objection

Comments

The loss of office provision to a residential dwellings would evidently harm business and employment opportunities in the local area. The applicant is therefore required to evidence

that all options for retention of the site for its current or similar employment use have been fully explored without success for at least 12 months (or 24 months depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in the local area.

Marketing guidance has been published by the Council to aid applicants with this element of the policy. This is available at: <https://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/marketing-strategy-statement-guidance/> The evidence submitted by the applicant has not sufficiently addressed the requirements as set out in the marketing guidance and has therefore not satisfied this element of Strategy 32 in our view. The applicant has evidenced surplus supply of provision in the local area, although only limited detail has been provided.

The Economic Development team is aware of reduced demand for office use across the district and is aware of the unique challenges facing retail, in Ottery St Mary in particular. We also note the comments regarding the lack viability or suitability of this site for alternative employment uses. The reuse of this dilapidated building would clearly benefit the wider town centre to at least some degree.

The Economic Development team has weighed up these various economic factors and has no objection to this application.

EDDC District Ecologist

05/03/24

The application is supported by a phase 1 bat and nesting bird survey report (Devon and Cornwall Ecology, June 2023). The preliminary survey found no evidence of bat use inside the building, and it was considered to have negligible potential for bats externally. The report also indicated the site is in a location that is unsuitable for bats given the urban location (section 1 para 3). Section 2 of the report indicates some form of desk study being undertaken and indicates there are records of bat licences in the wider area. From Magic Map, one of these is located within 200 m of the site. The south part of the site previously consisted of trees and scrub, which offers bat foraging habitat. Planning reference 20/1985/FUL also demonstrates that bat roosts are located in the central built-up area of Ottery St Mary.

Despite the surveyor finding no evidence of bat use in March 2023, the photographs and description of the building, including its age, the amount of potential access points e.g., through raised verge tiles, as well as the roof having a bituminous felt lining that offers suitable unseen roosting locations for bats, and given the number of bat roosts in the surrounding area, I would fundamentally disagree with the assessment of the building having negligible suitability to support roosting bats.

In my view, in the absence of evidence internally, the building would be considered to have at least a low to moderate suitability to support roosting bats, in accordance with Table 4.1 of bat survey guidelines (extract from of the 3rd Edt when the survey was undertaken - Collins, 2016).

Table 4.1 Guidelines for assessing the potential suitability of proposed development sites for bats, based on the presence of habitat features within the landscape, to be applied using professional judgement.

Suitability	Description Roosting habitats	Commuting and foraging habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats.	Negligible habitat features on site likely to be used by commuting or foraging bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions ^a and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation ^b). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential. ^c	Habitat that could be used by small numbers of commuting bats such as a gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions ^a and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	Continuous habitat connected to the wider landscape that could be used by bats for commute such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.

Given that there are areas where bats could potentially roost unseen, the application should have been supported by bat activity surveys (supported by night vision aids (NVAs)) to provide confidence in a negative assessment of bat use or categorise any roost(s) present in accordance with Table 7.3 of bat survey guidelines (extract below) and interim guidance note on NVAs (Bat Conservation Trust, May 2022).

Table 7.3 Recommended minimum number of survey visits for presence/absence surveys to give confidence in a negative result for structures (also recommended for trees but unlikely to give confidence in a negative result).

Low roost suitability	Moderate roost suitability	High roost suitability
One survey visit. One dusk emergence or dawn re-entry survey ^a (structures). No further surveys required (trees).	Two separate survey visits. One dusk emergence and a separate dawn re-entry survey. ^b	Three separate survey visits. At least one dusk emergence and a separate dawn re-entry survey. The third visit could be either dusk or dawn. ^b

^a Structures that have been categorised as low potential can be problematic and the number of surveys required should be judged on a case-by-case

In addition to the above, I have personal knowledge of this site having surveyed it in 2013 and 2016. More recently, in my former role as an ecological consultant, I was the senior ecologist who quality assured (QA) a preliminary ecological appraisal (PEA) for the site in October 2022. The PEA found evidence of at least three bat species within the building (on all levels), including lesser horseshoe bat. I corresponded at the time with the project manager as they wanted to explore the potential option of a 'worse case scenario' mitigation option, as after finding evidence of bat use, this triggered the need for roost characterisation surveys, and this would hold up the validation of the application. DNA analysis of bat droppings was also recommended but never instructed.

Therefore, you will realise my surprise that when I was consulted on this and when I read the planning report it found no evidence of bat use in March 2023. The 2023 report also states that no meaningful data would be supplied by a local records centre. However, evidence of bat use found in October 2022 would have been submitted to Devon Biodiversity Records

Centre (DBRC) and Devon Bat Group (DBG). Bat roosts are legally protected, and it is an [offence to damage or destroy a roost](#) without a licence from Natural England.

Following the above, I would be interested to understand how evidence of bat use previously found is no longer present and would consider that any application for this site should be supported by appropriate bat activity surveys.

William Dommett MSc MCIEEM
District Ecologist

Conservation

CONSULTATION REPLY TO CENTRAL TEAM
LISTED BUILDING CONSENT/CONSERVATION AREA
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: 9 Mill Street, Ottery St Mary, Devon EX11 1AB

GRADE: not listed APPLICATION NO: 24/0166/FUL

CONSERVATION AREA: Ottery St Mary

PROPOSAL: Planning permission is sought for conversion of existing office to two dwellings

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The main building was constructed in 1850s and has been altered losing its historic front porch. It has retained 8 over 8 sliding sash windows which are a positive feature of the building as is the elegant staircase. The Manse is a positive building in the conservation area.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

There is no objection in principle to the conversion of the unit to two dwellings as the main building was likely a dwelling historically and has heritage value. The heritage statement refers to it being the ministers house The manner of the conversion is lacking, and its design could be improved to enhance the conservation area but it would preserve the conservation area only with this application due to the design. The lack of a good heritage statement to appreciate and understand the buildings value should have been submitted. Research may offer more of the buildings history The following are improvements that could be made to the scheme.

- o The repair of the existing windows is beneficial.
- o The bird box should be placed on the modern building - it is obtrusive on the front elevation of this building.
- o The modern extension should be part demolished on the link to make the historic building detached. The current arrangement is badly designed with such a large modern extension on the higher level.
- o The porch should be rebuilt and properly detailed, and the current porch is quite poorly designed.
- o The building could be lime rendered.
- o Internally it has retained a good staircase and likely the room arrangements are historic. A comprehensive repair scheme would be welcomed.

In principle there is no objection to the application as it would preserve the conservation area but the scheme could be very much improved. There are no listed buildings that would be affected by this.

With respect to any buildings or other land in a conservation area there is a duty placed on the Council under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Here taking account of the above this has been taken into consideration.

POLICIES

Listed Buildings and Conservation Areas Act 1990, section 66 and 72

NPPF section 16

East Devon District Council, EN9

Conservation Area Appraisal.

PROVISIONAL RECOMMENDATION - PROPOSAL

Acceptable

DATE: 8/4/24

INITIALS: M. Pearce

Conservation Officer