

**Ward** Ottery St Mary

**Reference** 20/1316/FUL

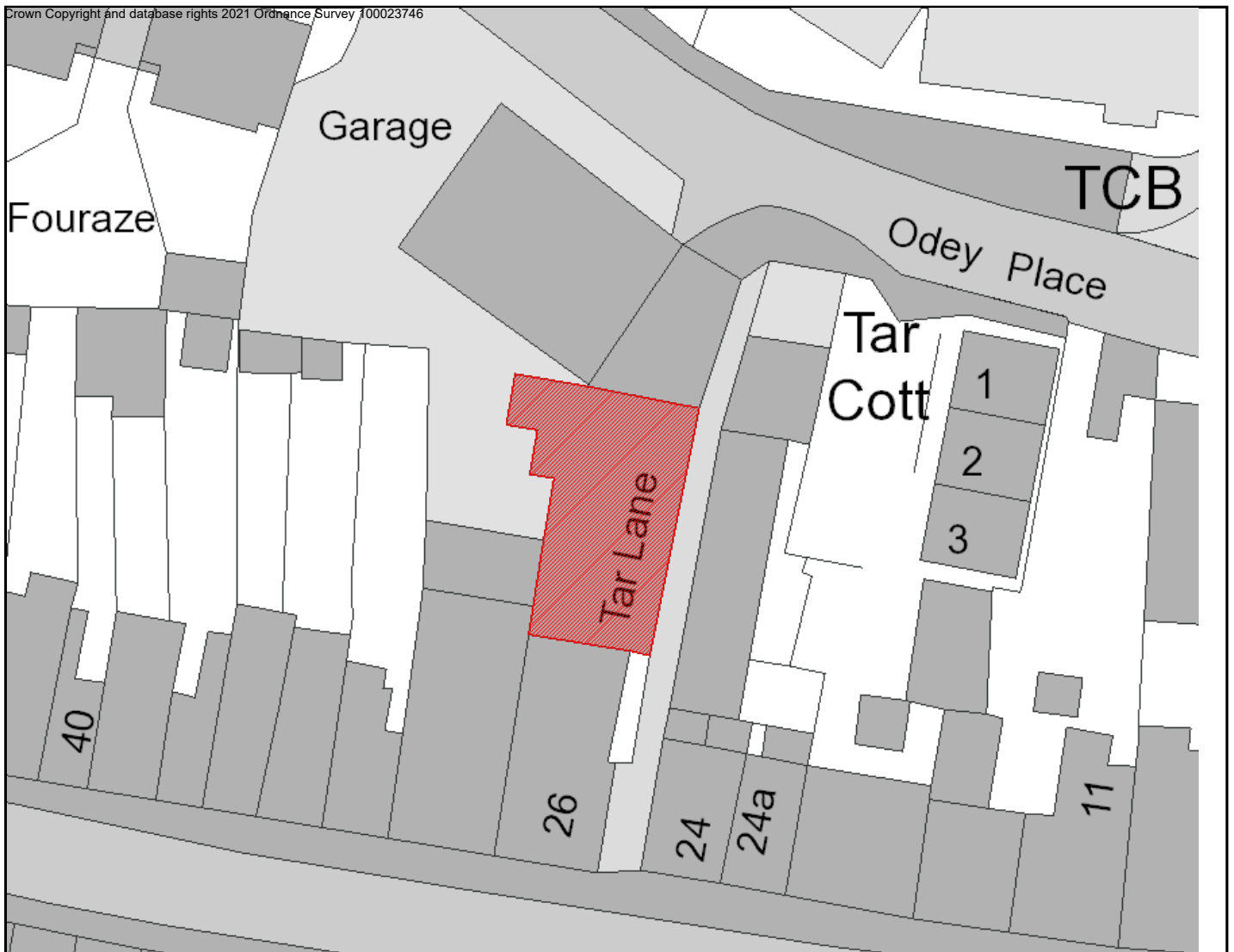
**Applicant** Mr N M Eyres

**Location** The Former Colbert Hall Mill Street Ottery St Mary EX11 1AD

**Proposal** Conversion of rear section of vacant part retail premises into 3 no. town houses (class use C3 a).



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 7<sup>th</sup> April 2021</b>
<b>Ottery St Mary (Ottery St Mary)</b>	<b>20/1316/FUL</b>	<b>Target Date: 21.08.2020</b>
<b>Applicant:</b>	<b>Mr N M Eyres</b>	
<b>Location:</b>	<b>The Former Colbert Hall Mill Street</b>	
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**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before members as the officer's recommendation is contrary to the view of a Local Ward Member.**

**The application site relates to the Colbert Hall in Ottery St Mary, located to rear of number 26 alongside Tar Lane.**

**The application seeks permission to convert the Colbert Hall into three dwellings and proposes various external alterations, most notably removing the linking structure that connects the building to number 26 that front Mill Street to the south. The hall was previously used as storage space ancillary to the use of the principle retail unit that fronted Mill Street which was vacated by Costcutter in early 2017.**

**Issues with the application revolve around the principle of development, primarily the loss of employment floorspace within the town centre, the impact of the works upon the character and appearance of the Conservation Area and whether an acceptable level of amenity can be provided for prospective occupiers of the units.**

**In assessing the principle of development the application has been assessed Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the East Devon Local Plan, Policy NP18 (Supporting Ottery St Mary as the Economic Focus for the Parish) of the Ottery St Mary and West Hill Neighbourhood Plan and guidance within the National Planning Policy Framework.**

**Whilst the Neighbourhood Plan emphasises on the preservation of employment land within Ottery St Mary, this is also reflected within Strategy 32 that seeks to retain employment uses unless the proposed use, amongst other things, would not undermine or harm employment opportunities in the area. Guidance within the**

**NPPF suggests that Local Authorities should take a positive approach for alternative uses of land which are developed but not allocated for a specific use.**

**The Local Authority has access to marketing information submitted as part of application 18/2321/COU that saw approval granted to convert the building into a veterinary practice. However, due to the financial cost to renovate the building the vets had to pull out. Importantly since early 2017 the property was marketed for 16 months with any other interest in taking the site on.**

**As such, in light of the evidence before the council, in addition to the guidance within the NPPF and provisions of Strategy 32 of the Local Plan, the principle of the residential conversion is deemed acceptable. Despite objections from the Town Council and a Local Ward Member, resisting the development on the basis of harm caused by the loss of employment floorspace would be unreasonable, particularly given the retention of retail space to the site frontage.**

**The design of the scheme and the physical alterations provide an appropriate level of amenity to prospective occupiers whilst increasing the contribution the Colbert Hall makes to the conservation Area. Whilst it is acknowledged that there are shortcomings with regards to the size of unit 1, these are not considered to outweigh the benefits of restoring the hall to use and the minor enhancement identified to the conservation area.**

**As such the application is recommended for approval subject to conditions listed at the end of this report.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Parish/Town Council**

**06.08.2020**

Ottery St Mary Town Council does not approve of this application on the grounds stated by Councillor Peter Faithfull in his comments on the EDDC Planning website

Further comments:

**15.12.2020**

The Ottery Town Council does not recommend for approval. Unanimous. Residential use not appropriate in retail setting. Access very poor for emergency services particularly as 3 bedroomed family homes are proposed. No parking will exacerbate traffic issues. Against Strategy Plan and NP18 in Neighbourhood Plan.

#### **Ottery St Mary - Cllr Peter Faithfull**

**20.07.2020**

I am writing regarding the application to convert the old Colbert Hall into three residential units. this application is in my ward and my view, based on the information presently available to me, is that it should be refused.

This proposal to change the use of this building from retail/employment to residential use is contrary to chapter 12, strategies 24 and 32 of the East Devon Local Plan. It is also contrary to policy NP18 of the Ottery St Mary and West Hill Neighbourhood Plan.

Colberg Hall is located in Tar Lane and forms part of the Town Centre shopping area. While there has been a substantial change in the demand for type of shops and employment opportunities in Ottery, there is still a need for such properties. While the old Cost Cutters supermarket has been on the market for a number of years, the property has been in a poor state of repair and the property has therefore not been available for retail or business to move in. With a clear shortage of smaller business units in the town centre, the present owner has not made any effort to offer the building for employment use in smaller, more manageable units. This site is located in close proximity to the town centre carpark, offering up to two hours free parking, making this site a potential prime location for smaller retail units.

The proposal is to change the building into three residential units:-

Unit 1 is a two bedroom unit over two floors. The usable floor area of this unit is approximately 60m<sup>2</sup> against the minimum floor area of 70m<sup>2</sup> for a two bedroom property over two stories. Bedroom 2 is also inaccessible due to the low height of the roof beams.

Unit 2 is a three bedroom unit over two stories, with a usable floor area of approximately 74m<sup>2</sup> against a minimum floor area of 93m<sup>2</sup>. The first floor ceiling height is extremely low, making the whole building unsuitable. This proposal is offering substandard accommodation.

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

## **Technical Consultations**

### Environmental Health

**11.01.2020**

Conversion of rear section of vacant part retail premises into 3 no. town houses (class use C3 a)

I have concerns about noise and odour impact from commercial activity including the petrol station immediately to the north of the proposal. It is likely that windows would need to be kept closed for all or most of the day to avoid these impacts.

### Ventilation

The development will require mechanical ventilation for rooms on both floors, taking air from the south side of the building:-

### Condition 1

A suitable and sufficient means of extract ventilation and/or air conditioning shall be provided within the buildings so that windows and doors can be kept closed at all times.

The system installed shall be designed and installed such that it does not itself become a source of nuisance.

Reason: To protect the amenity of occupiers from noise, dust or smell.

## Noise

The development needs to be subject to a scheme to control noise transmission, both between the proposed residential units, and also from nearby employment use. This scheme is likely to require the assessment and control of 'flanking transmission' through the existing structure, in addition to suitable treatment of floors, ceilings and party walls within the development:-

### Condition 2

Prior to the commencement of works to create any of the residential units hereby approved, a sound insulation scheme shall have been submitted to and approved in writing by the local planning authority. Such a scheme shall be designed to reduce the transmission of noise between the commercial premises and the residential development to achieve at least 10dB more than the minimum requirements of Approved Document E. The standard must be applied to party walls between flats, as well as floors and ceilings shared with the commercial premises. The scheme to be submitted shall also provide for post-construction testing certification to demonstrate the sound insulation performance has met the required standard and where necessary set out what further mitigation measures will be employed to achieve the required levels. The sound insulation scheme shall be installed and maintained only in accordance with the details approved by the Local Planning Authority.

(Reason -To protect the amenity of future occupiers of the dwellings in accordance with policies D1 (Design and Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013 - 2031.)

### Further comments:

#### **25.02.2021**

Having reviewed the noise assessment I recommend approval of the application as long as the following mitigation measures recommended within the assessment are undertaken.

1. The fitting of secondary glazing to the existing Victorian single glazed casement windows.
2. The fitting of a mechanical ventilation system (MVS). Where necessary the MVS must be acoustically-treated and provide adequate provision for ventilation as required under the Building Regulations Part F.

### Conservation

#### **24.08.2020**

This is an important building within the heart of the Ottery St. Mary Conservation Area. It adds value primarily through its architectural Arts and Craft design style and the quality of the traditional materials. It is a shame that this building has remained empty

and has not been used for either commercial or community use (e.g. music group space, community exhibitions etc).

There seems to be some scope for conversion. There is merit in retaining the historic fabric and chimney, however there remain some concerns

These are;

- Historic window styles and historic openings on the East and West elevations. These have been completely lost due to the cill being lowered and the original upper section of glazing replaced with boarding. These existing windows are a significant feature of this building. It is appreciated that there may be a design detail that needs to be better resolved with regards to the first floor level that probably cuts across the existing opening. This needs to be resolved in another way so that the existing window style is not compromised. There should be plenty of best practice solutions to consider.
- Rooflights - there should be conservation style and reduced in number. Could the bathroom rooflight be removed and any bedrooms that have another window, remove the roof light too?
- Materials - in general the use of Upvc is not supported and would have a negative impact on the character of the building and Conservation Area. It is recommended that natural slate should be used for the roof. This and timber windows would respect the quality of the local vernacular.
- Bin store - it is un-clear of the enclosed bin store that sits in Tin Alley is within the application boundary?

In conclusion, at present this application is not supported.

Further comments:

**14.12.2020**

Overall the proposal is supported. Suggested draft conditions;

1. Materials - samples and method of fixing and finishes.
2. Drawings large scale section through of all new windows (to include integral glazing bar).
3. Repairs to historic fabric to be with a lime based mortar.

EDDC Urban Designer

**05.01.2021**

20/1316/FUL

EDDC Urban Designer

Location:

The Colbert drill hall was part of the former Cost-Cutter mini supermarket that closed in 2017 since when the property, though marketed as a retail unit, has failed to attract a new tenant and remained empty. The new owner has submitted two planning applications that split the property up, with the shop-front onto Mill Street being

reduced in internal area but retained as a retail frontage with a town-house behind, and the Drill Hall being converted to dwellings.

There have been several unsympathetic additions to the drill hall over the years including a flat-roofed section that joins the hall to the rear of the former Cost-Cutter. This will be removed as part of the proposals and turned into a small courtyard shared by the townhouse and one of the dwellings in the drill hall.

Given its location at the heart of the old town centre of Ottery Saint Mary the drill hall is within a very dense built-up area and is close-packed with other properties including a petrol station to the west. However, this does not immediately preclude it from being converted to residential use as there are plenty of existing flats and small houses in the immediate surrounding area. Many of these have small external areas either in the form of garden space, balconies or access to a flat-roofed area on which to sit out.

As this is a conversion there is no increase in built density but there would be an increase in the population density of the town centre which would help support local business, though with the Sainsbury's super-market within it Ottery town centre remains a challenging environment for smaller retail businesses to operate in.

#### Parking and travel:

The location is relatively sustainable, given that it is at the centre of the town. This would mean that if future residents work in Ottery or in the immediate surrounding areas then day-to-day journeys can be made on foot or by bike.

There is no chance of parking being made part of this proposal but there is a long-stay car park relatively close by and on-street parking is also available so although car-ownership and use would be discouraged it would not be impossible.

Public transport is limited to the bus, with a relatively frequent service (number 4) connecting Ottery to Honiton and Axminster to the east, and Cranbrook and Exeter to the west. This enables access to the railway at Honiton for the Waterloo line into London and to the Paddington line at Exeter. However, as with all public transport, this is quite limiting and does not connect well to the surrounding smaller communities leaving cycling as the only sustainable means of getting around locally as buses in the UK do not yet have cycle racks.

There is no reason to consider this a poor location for transport overall as future residents will make their choice about living here in full knowledge of the limitations.

#### External appearance:

The existing drill hall has had some unsympathetic additions to it. However, the original building is largely intact and is a good example of its type, with a modesty that is attractive. The proposal removes some poor quality additions to the old hall and replaces the asbestos roof with slate which is more likely to reflect the original roof material.

The windows form an important part of the original features of the building and are typical of the early 20th century arts and craft movement with smaller leaded lights in the upper portion. However, as these windows are fixed it is likely that they will need to be replaced, or certainly adapted, to allow them to open for the wellbeing of occupants. Even if it is not necessary for thermal comfort, people like to be able to open windows.

The proposed redesign of the building includes replacing the top part of the windows with boarding while reducing the width of the remaining lower part as a result of the first floor level being lower than the tops of the windows. Doing so has a detrimental effect on an important original features of the building and could be avoided setting the first floor back from these windows to allow them to be retained. This would provide more daylight to the ground floor and should not reduce the usable floorspace above or cause too much structural change as FF structure cannot meet the wall at this point given the location of the window. If the windows need to be replaced or rebuilt to allow them to open the new or refurbished should follow the existing design as closely as practically possible. If timber can be used, so much the better, otherwise timber composite would be acceptable. uPVC would not be acceptable at all. For the east elevation top openers should be used for security and peace-of-mind for occupants. Bottom openers should be used on the west elevation. Having openers on both sides of the building will enable good cross-flow ventilation.

The entrances onto Tar Lane will need to be carefully detailed to avoid them becoming littered and shabby. Lighting should be installed over each doorway for this purpose. Materials for the doors should be solid hardwood or timber composite and should be built to a pattern that compliments the arts-and-craft style of the windows.

#### Internal arrangement:

Overall the internal arrangement proposed is good and the units are spatially attractive. They are relatively generous in space though I wonder whether more partitioning is needed in living areas if families are expected to live in them. However, this internal generosity would be affected by my comments below. Areas that need attention are:

- o An external door is needed on the 'street' threshold for the units opening onto Tar Lane. Having an entrance directly onto living space is not ideal, especially given the open-plan nature of the units as it would cause significant loss of thermal performance. It would also provide security for the bin and (presumably, as it's not indicated on the drawings) cycle storage area and prevent littering or worse from happening.
- o Daylighting on the ground floor would be much improved with skylights over the stairwells which would also make the stairs an attractive feature. Placing a skylight in this location would create good passive-stack ventilation for the ground floor
- o Care should be taken sizing the skylights on each pitch for thermal comfort. If they are too large on the western pitch it could result in overheating in the afternoons.
- o If possible, the first floor rooms should retain a clear space up to the pitch rather than fitting a lower ceiling. It would allow the rooms to have more character and allow some of the original features of the building to be enjoyed and maintained.

#### Amenity:

The building is closely surrounded by other buildings including a petrol station whose jet-wash area is immediately under one of the west facing windows. However, the jet-wash appears to be seldom used so this may not be the issue that it at first appears. Occupants can easily close the window should the jet-wash be in use. If there was outdoor space on the first floor level it would not be particularly affected by the jet-wash when in use. It was noticeable on a site visit that there was little or no smell from the petrol station and very little noise from it either above the ambient noise from the road.



I have some concern about the lack of any outdoor space for units 2 and 3. Because the building is so surrounded there is no way to put balconies on as they would overhang adjacent properties. However, putting external space within the roof-pitch for unit 2, and perhaps using the proposed flat-roof over the kitchen for unit 3 as external spaces would be one way around this. Alternatively, unit 3 could also have external space within the roof-pitch if the flat-roof option is not practical which may be the case as it is quite far below the finished floor level of the first floor. There is a question over which pitch would be most appropriate as to the west there are views over the garage, but it gains the evening light. To the east the view is foreshortened by the neighbouring roof and this would only get direct sunlight to mid-day but it would be a less visible change to the building line. My preference would be for the western pitch to be used as this would provide the occupants with better space and direct sunlight in the afternoons and evenings when they are more likely to want to sit out. If designed well, this could result in an attractive change to the building that signals its new lease of life. There would obviously be some loss of internal space on the upper floor but in my view it would be more than compensated for by increasing the attractiveness of the flats as living spaces.

#### Conclusion:

From an architectural and urban design point of view, with changes, this proposal presents no real problems and deals with a heritage property that otherwise risks falling into dereliction. Outdoor amenity presents a challenge but this can be resolved and although any solution is compromised by the proximity to the petrol station I cannot see this being overly problematic.

The proposed site is surrounded by existing dwellings, some of which are fairly recent and I would also suggest that some have far less amenity than would be afforded by this scheme should outdoor space in the roof pitch be designed in.

Although I understand the arguments for retaining commercial space, this is a building that would be challenging to turn into a viable commercial space given its current condition, its location and lack of access to it, and the challenging local market. The level of investment necessary, the low level of return and the high level of risk make it far more likely that keeping it as commercial space will condemn the hall to dereliction.

#### Other Representations

One comment of support:

*'Hi, I am supporting this application as this building which was formally a Costcutters retail outlet, went out of business possibly due to the arrival of Sainsbury's. The building has stood empty for 2/3 years with little interest in it becoming another retail unit. In the meantime other shops in Ottery St Mary have changed hands several time after their new ventures have failed. Rather than this building becoming a victim of the same fate, it makes absolute sense to convert it to properties thus utilising a property already occupying land instead of handing over farm land for housing. Due to the recent situation regarding Coronovirus, many people have now changed their shopping habits also, leading to an increase in online shopping.'*

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
18/2321/COU	Change Of Use from Costcutter Convenience Store to Veterinary Surgery	APPROVED
20/0943/FUL & 20/0833/FUL	Conversion of part existing vacant shop unit (26) and part first floor flat (26A) into one bedroom town house	REFUSED APPEAL DISMISSED

## **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 24 (Development at Ottery St Mary)

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

Strategy 38 (Sustainable Design and Construction)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

E9 (Town Centre Vitality and Shopping Areas)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

### Ottery St Mary and West Hill Neighbourhood (Made)

NP2 (Sensitive High Quality Design)

NP9 (Accessible Developments)

NP12 (Appropriate Housing Mix)

NP18 (Supporting Ottery St Mary as the Economic Focus for the Parish)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

## **Officer Report**

### **Site Location and Description**

The application site comprises of two distinct buildings. These include 26 Mill Street which principle elevation addresses the adjoining public highway to the south and the Colbert Hall to the rear.

The Hall is constructed of brick with a slate roof, located within the conservation area. 26 Mill Street, which also designated Primary Shopping Frontage, comprises of a shop

front at ground floor and a residential flat at first floor. A single storey flat roof 'linking building' connects this no' 26 to the Colbert Hall to the rear. The shop floor extends through 26 Mill Street and the linking element with the hall previously used as a storage area for Costcutter who previously occupied the site.

A public footpath is located immediately east of the site that connects Mill Street to Hind Street. The hall itself is located immediately adjacent to a petrol station with the forecourt extending to the buildings west elevation. The site

### **Proposed Development**

The application seeks permission to convert the Colbert Hall into three dwellings. The conversion of which has already been partly undertaken by the applicant who at the time of site visit had removed the existing roof and constructed various internal partitions to subdivide the building.

Each two bedroom town house would be each have independent access off of Tar Lane (units 2 & 3), or from the proposed courtyard that would be created through removal of the single storey linking building. Each unit has a dedicated area of amenity space through the provision of a courtyard for unit 1, a first floor terrace for unit 2 and a small enclosed outdoor area for unit 3.

Issues with the application revolve around the principle of development, primarily the loss of employment floorspace within the town centre, the impact of the works upon the character and appearance of the Conservation Area and whether an acceptable level of amenity can be provided for prospective occupiers of the units.

### **Principle of Development**

The site is within the built-up area boundary of Ottery St Mary as defined by the Adopted East Devon Local Plan. The spatial strategy for development is focused around the seven main towns and larger villages with a built up area boundary, as described by Strategy 27, which will form focal points for development. Strategy 6 of the Local Plan sets out criteria against which development within built up area boundaries can be assessed. Therefore the principle of residential development, whilst acceptable in principle, is subject to detailed considerations that shall be discussed in turn below.

The Ottery St Mary and West Hill Neighbourhood Plan contains policy aimed at supporting economic activity within the town. Policy NP18 (Supporting Ottery St Mary as the Economic Focus for the Parish) states that development should be supported where development would retain existing employment land in employment use. This is in accordance with Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the Local Plan policy which seeks to retain employment uses unless the proposed use, amongst other things, would not undermine or harm employment opportunities in the area. In particular Strategy 32 specifies that '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 (up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in the locality'.

In this case, marketing of the site has previously been put forward to the council as part of the submission of application 18/2321/COU. This marketing effort commenced in October 2017 for over a year and exhibited little interest in occupying the whole area for business purposes, other than from the applicant at the time, the vets surgery. While there had been some interest in reducing the retail area and converting the remainder of the building to flats, these were all speculative schemes by developers. The unit has since been left vacant.

Taking into account the previous marketing effort, it appears that there is a lack of interest in taking over the site, in its entirety for retail use and this is not unexpected given its layout and size. It is acknowledged that the most logical way forward would be to subdivide the site. Owing to the building having two distinct elements in the form of 26 Mill Street and the Colbert Hall, subdividing the site by removing the linking building that connects the two is the most obvious solution. However the Hall itself lacks an active frontage with access off the narrow footpath (Tar Lane) to the east. As such the applicant would face difficulties to turn the hall into a viable commercial space given its current condition, location and lack of access to it, and the challenging local market. The level of investment anticipated make it far more likely that keeping the building as commercial space will condemn the hall to dereliction. This, in addition introduction of Sainsbury's within the town centre and overall decline of retail uses within town centres, leads the council to believe resisting the loss of the Colbert Hall's A1 use as unreasonable, even in the absence of recent marketing.

However, comments from the Town Council and a Local Ward Member are duly acknowledged and NP18 must be given weight. Point 5 of NP18 states that proposals for new development or change of use will be supported subject to other planning considerations, if they:

- 3) Retain small scale employment in the town centre;
- 5) Retain existing employment land in employment use.

Whilst the wording of NP18 appears to rule out the conversion of employment floorspace to residential this would not be in line with guidance within the National Planning Policy Framework (NPPF) that requires Local Authorities to take a positive approach to such development and be flexible in light of current trends and demands of the market. Paragraph 121 of the NPPF is worded as follows;

*'121. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:*

- (a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and*
- (b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.'*

From the marketing information previously submitted, it is reasonable to conclude that there is little prospect of the entire site being occupied for retail purposes. As such, an assessment needs to be made into whether the amount of retail floorspace to be lost is acceptable. In this case there is a natural divide provided through removal of the linking structure, which would create a smaller shop within 26 Mill Street, on a similar scale to others in the town. Therefore there is considered a real prospect of the remaining floorspace within number 26 of being occupied and an active shop front being restored to the primary shopping frontage area. Therefore, in addition to the reasons already outlined above as to why the hall does not lend itself to be run as a retail unit, it would be unreasonable to resist this partial loss of retail floorspace at the site within the hall.

The final point to consider is whether the conversion of the hall to residential would result in harm to the vitality of the town centre. Strategy 32 seeks to ensure that local communities remain vibrant, viable and are able to meet the needs of residents. The lack of interest displayed in taking over the site for commercial purposes has resulted in the application site remaining vacant since Costcutter vacated the site in early 2017. Therefore, rather than leaving the building to stay empty, use of the building for residential purposes would positively contribute to the vitality of the town centre. This approach is further supported by paragraph 85 of the NPPF that highlights the important role that town centres play at the heart of local communities and that planning decisions should take a positive approach to their growth, management and adaptation. Point (f) of paragraph 85, also recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

As such, in light of the evidence before the council, in addition to the guidance within the NPPF and provisions of Strategy 32 of the Local Plan, the principle of the residential conversion is deemed acceptable. Despite objections from the Town Council and a Local Ward member, resisting the development on the basis of harm caused by the loss of employment floorspace would be unreasonable. The Local Authority has the evidence before it to suggest that dismissing the development would likely result in the application building continuing to remain vacant and therefore causing harm to the vitality of the town centre.

### **Impact on the Character and Appearance of the Conservation Area**

The Colbert Hall is a prominent building within the Ottery St Mary Conservation Area and visible from public viewpoints along Hind Street with some glimpsed views along Mill Street. The building itself has been subject to several unsympathetic additions over the years including a flat-roofed section that joins the hall to the rear of the former Cost-Cutter. Given its location at the heart of the old town centre of Ottery Saint Mary the drill hall is set within a dense built-up area nestled within residential and commercial properties.

This part of the conservation area is characterised by the continuous form of historic buildings that line the road on both sides and provide a sense of enclosure. Despite individual variations between buildings, there is a general consistency in the form of the slate roofs, and the proportions of the upper floor window openings. Brick

chimneys and traditionally proportioned and detailed dormers are also common features of the roofscape. In contrast, there is considerable diversity at street level, where the mixture of commercial and residential uses results in an assortment of facades. Some have domestic-scale openings, whereas others have fully glazed shopfronts right down to pavement level. Within this mix there are a small amount of traditional shopfronts.

The most significant alterations to the build include the replacement of the existing corrugated roof, removal of the existing flat roof linking structure and provision of a terrace in the pitch of the western roof slope for unit 2.

The modern flat roof extension between 26 Mill Street and the hall will be removed and turned into a small courtyard shared by the existing flat at first floor of No 26 and Unit 1 of the proposal. This modern addition is considered of minimal architectural merit and therefore its loss is of minimal concern. However, the courtyard shall be visible to users of Tar Lane and therefore the treatment of surfaces and any enclosure need to be sympathetic to the immediate area's character. In this instance the application proposes the use of block paviors to match that of the lane. The level of the courtyard would be above that of the adjacent lane with a low level wall to needed provide privacy and screen bin storage.

Upon site visit the corrugated roof had already been removed. The applicant has submitted samples of Spanish natural slate which is considered an improvement on what previously existed and would increase the contribution that the building makes to the wider Conservation Area. This does not make the application retrospective as the change of use has not yet occurred.

The inclusion of a terrace at first floor level results in the form of the roof being partially altered. This would be visible at various points along the western end of Hind street although the petrol station does screen this part of the roof as you approach Sainsburys. Despite the creation of the roof terrace the application proposes to retain the existing chimney stack which is a welcomed inclusion.

During the timeline of the application revisions were made to retain the original windows on the east and west elevations. Due to their level in relation to the first floor level, the floor has been recessed to ensure they can be retained and fixed with secondary glazing. New windows are to be constructed of timber of which further details shall be secured via condition.

In this case special regard has been given to the impact of the development upon the significance of the heritage asset which in this case is the Conservation Area. Policy EN10 requires an assessment into whether the development 'conserves or enhances the appearance and character of the area'. The proposed replacement of the roof with natural slate and removal of the linking building better reveals the significance of the hall and enhances its contribution to the character and appearance of the conservation area.

This is weighed against the alterations to the roof to create the terrace for unit 2 and the provision of 7 rooflights that arguably, to a degree, are harmful. Additionally the

use of timber for all new openings in addition to retaining the chimney stack and existing windows is considered to have a neutral impact.

On balance, the proposed alterations are considered to have a minor enhancement to the conservation area and therefore in accordance with the requirements of Policy EN10 (Conservation Areas) of the East Devon Local Plan.

### **Amenity for Prospective Occupiers**

Policy D1 (Design and Local Distinctiveness) requires development to be of high quality design and to not adversely affect the amenity of occupiers adjoining residential properties and to ensure that the amenity of prospective occupiers is of an adequate level. Due to the physical relationship the proposed units share with the petrol station and jet wash, careful consideration is needed to assess the impact of these commercial uses on living conditions at the application site.

Initial concerns with regards to the proximity of a jet washer, located on the adjoining petrol station's forecourt, were relayed back to the applicant. A noise survey has been provided that assess the impact of the noise from the car jet wash and proposes various mitigation measures to ensure an adequate level of amenity is provided. In this instance it has been recommended that secondary glazing is fitted to the Victorian casement windows on the western elevation. This will ensure that the windows give more than 30db sound reduction and therefore ensure that internal noise levels are low and no more than 22 db. Furthermore, to ensure the units are well ventilated when windows are closed, a mechanical ventilation system shall be installed.

The most recent revisions also include a series of the lightwells. The inclusion of which have enabled the applicant to limit the number of rooflights to ensure that an adequate level of light is provided whilst working within the constraints of converting the building in a sympathetic manner. The original two pairs of Victorian casement windows on the east and west elevations are to be retained with the first floor recessed from the wall to enable light into both levels of accommodation.

The original windows on the east elevation immediately front onto Tar Lane. However, due to their level above the footpath, there are minimal concerns with regards to lack of privacy. The Hall's west elevation is immediately adjacent to the forecourt of a petrol station. Again, the levels of windows along this elevation ensure that an adequate level of outlook is provided whilst ensuring as level of privacy.

Objections have been raised by a Local Ward Member with concerns over the size of the units and in particular some of the bedrooms in relation to Technical Housing Standards. Since these comments were received the application has been altered reconfiguring the internal layout, most notably Unit 2 that has been reduced to two bedrooms and has the living accommodation at first floor with the bedrooms at ground level. The Unit also has over 70sqm of living floorspace in accordance with the guidance.

With regards to the internal floor area of Unit 1 and bedroom 1, it is acknowledged that the floorspace is slightly below what is prescribed within the national Technical Housing Standards. However, while Unit 1 falls slightly short, it is important to note

that the space standards are guidance for new dwellings and have not been adopted within policy of the Local Plan or Ottery St Mary and West Hill Neighbourhood Plan and therefore carry limited weight. The ground floor of unit one is also intended to be open plan with the proposed bedrooms large enough to fit a double and single bed in respectively. Importantly, the proposed layout and provision of windows, rooflights and amenity areas ensure that the units have an acceptable level of light and outlook whilst working within the constraints posed by converting the hall. As such the limited harm that would arise from the smaller level of accommodation provided by unit 1 is not considered harmful enough to warrant refusal of the application.

## **Habitat Mitigation**

The nature of this application and its location close to the Pebblebed Heaths and its European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

## **Other Matters**

### *Highways*

Concerns have been raised by the Town Council with regards to the impact of the development on parking provision within the area. Whilst these concerns are duly acknowledged Policy TC9 (Parking Provision in New Development) states the instances when car parking should form part of new development. The policy details that in town centres where there is access to public car parks, on street parking and in exceptional cases where there is also very good public transport links, car parking may not be deemed necessary. In this case the site is located relatively close to the public car park off Canaan Way and, arguably more importantly, in close proximity to the bus stops at Millcroft, the butchers, pharmacy and Sainsbury's. As such, there are realistic transport alternatives for prospective occupiers of the proposed development rather than being solely dependent on the use of a private car. The applicant has therefore not been required to provide allocated parking for the development.

The Town Council has also raised concerns with the accessibility of the development off Mill Street and Hind Street for emergency services due to the width of Tar Lane. It is appreciated that emergency vehicles would be unable to park in Tar Lane. However,



despite this, it is also felt the application site's location, in such close proximity to the two roads of Hind Street and Mill Street would allow emergency vehicles to get very close. Furthermore, the application has not prompted any objection from the county highway authority on this issue.

#### *Amenity of adjoining properties*

The provision of a balcony at first floor level within the pitch of the roof to serve unit 2 would have a westerly outlook. From the balcony occupiers would be able to see the long narrow gardens of residential properties that front Mill Street. The closest of these would be 30 and 32 Mill Street. However, due to the anticipated level of the balcony and the high eastern wall that encloses the garden of number 30 off from the petrol forecourt, views into these gardens would be largely screened. Furthermore the rear garden of 32 is approximately 14 metres away and again due to the presence of the high wall to the east any views would be over the garden rather than directly into it. As such the development is not considered to be harmful to the amenities enjoyed at adjoining properties.

### **CONCLUSION**

The loss of the commercial floorspace at the site to residential is deemed acceptable owing to the information available to the Local Authority relating to past marketing of the site, site history and circumstances of the buildings. Whilst it is clear that the Town Council and Local Ward Member are keen to retain the Colbert Hall's current use guidance within the NPPF and Policy within the Local Plan indicate that resisting the change of use would be difficult to justify on appeal and lead to further harm to the vitality of the town centre with the building remaining vacant. Officers believe that it is preferable to protect the main shopping frontage for retail/employment use whilst allowing the conversion of this rear element to residential use.

The design of the scheme and the physical alterations provide an appropriate level of amenity to prospective occupiers whilst increasing the contribution the Colbert Hall makes to the conservation Area. Whilst it is acknowledged that the size of unit 1, falls below the space standards this alone this is not considered to outweigh the benefits of restoring the hall to use and the minor enhancement identified to the conservation area.

In light of the points raised above the application is recommended for approval subject to the conditions listed below.

### **RECOMMENDATION**

1. Adopt the Appropriate Assessment
2. APPROVE subject to the following conditions:
  1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

3. The development hereby approved shall be constructed in accordance with the recommendations stated within the Noise Assessment conducted by Acoustic Associates SW Ltd on the 8/02/2021. The mitigation measures recommended include the following:

- Instillation of secondary glazing on the pair of Victorian casement windows on the west elevation as depicted on the Proposed Drawings (No. 520.9.b).

- A suitable and sufficient means of mechanical ventilation shall be provided within each residential unit. The system installed shall be designed and installed such that it does not itself become a source of nuisance.

(Reason: To protect the amenity of occupiers from noise, dust or smell in accordance with the provision of Policy EN14 - Control of Pollution of the East Devon Local Plan 2013 - 2031).

4. Any damage caused by or during the course of the carrying out of the works hereby permitted shall be made good in matching materials.

(Reason - To safeguard the architectural and historic character and appearance of the Conservation Area in accordance Policy EN10 - Conservation Areas of the East Devon Local Plan 2013-2031.)

5. Before the relevant parts of the works begin on the items specified below, the following details and specification for these items shall be submitted to and approved in writing by the Local Planning Authority:

- Roofing materials including product details, sample and method of fixing.

- New windows including sections, mouldings, profiles and paint colour.

Sections

- Through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.

- Replacement windows including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.

- New doors including sections, mouldings, profiles and paint colour. Sections through panels, frames and glazing bars should be at a scale of 1:2 or 1:5.

- Replacement doors including sections, mouldings, profiles and paint colour.

Sections through panels, frames and glazing bars should be at a scale of 1:2 or 1:5.

- Sample of new bricks including mortar colour and specification and bond type.

- Type of render including proportions of mix, method of application and finishes.

The works shall be carried out in accordance with the approved details and specification.

(Reason - In the interests of preserving the character and appearance of the Conservation area in accordance with Policy EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)

Plans relating to this application:

520.8.a	Proposed Floor Plans	16.11.20
520.9.b	Proposed Combined Plans	10.03.21
	Noise Impact Assessment	11.02.21

List of Background Papers

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