

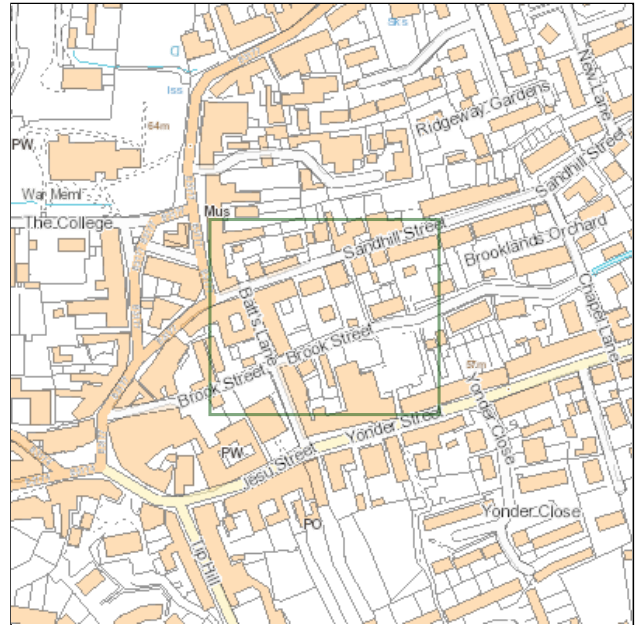
Ward Ottery St Mary

Reference 22/2305/FUL

Applicant Trustees Of Ottery Feoffee Charity

Location Ottery Feoffee Day Centre Brook Street Ottery St Mary EX11 1EZ

Proposal Replacement of community centre with 4no. residential flats (almshouses) with associated development to include access, landscaping and drainage.



RECOMMENDATION: Refusal



		Committee Date: 25.04.2023	
Ottery St Mary (Ottery St Mary)	22/2305/FUL	Target 22.12.2022	Date:
Applicant:	Trustees Of Ottery Feoffee Charity		
Location:	Ottery Feoffee Day Centre Brook Street		
Proposal:	Replacement of community centre with 4no. residential flats (almshouses) with associated development to include access, landscaping and drainage.		

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Committee owing to a difference of opinion between two of the ward members.

It relates to a revised proposal for the redevelopment of the Ottery Feoffee Charity Community Centre site in Brook Street, which houses a community centre building run by the Trustees of Ottery Feoffee Charity, with a scheme comprising the construction of a two storey building housing 4no affordable one bedroom flats that would be managed as 'build to rent' units.

It follows the refusal of a previous scheme for the provision of 6no flats (under application ref. 20/2668/FUL), principally on loss of community building, conservation, flood risk and neighbour amenity grounds, by Committee in October 2021.

The scheme is again being promoted by the Charity, which also owns the neighbouring premises to the north of the site, Robert Hone House, which itself accommodates four flats.

The site, located to the east of the town centre in a predominantly residential area, is within the designated Ottery St. Mary Conservation Area. The front portion of the site, as well as Brook Street itself, lies within flood zones 2 and 3. The site and building floor levels are raised by between 1.5 and 3 metres above that of the adjacent road carriageway.

However, whilst once more recognising the clear social benefits of affordable housing provision that the scheme would realise through the provision of 4 affordable units, the development would again involve the loss of an existing community building without any substantive evidence having been provided as

to options for its retention for its current use, or other community purpose(s), having been fully explored in line with the key requirements of Strategy 32 of the adopted Local Plan.

Its loss would also continue to be contrary to the provisions of Neighbourhood Plan Policy NP17 which 'strongly resists' the loss of a Community Facility of Value, of which the existing Centre is listed as being for protection.

Furthermore, although the development would itself exhibit an improved design relative to the previous scheme, it would retain a mass and scale that would appear unduly dominating within its setting owing to the raised floor level in relation to Brook Street. Whilst it is again acknowledged that this is necessary to address flood risk objections previously held by the Environment Agency and the Council, it is considered that this would only emphasise its dominance and reflect its incursion into the street scene as an uncharacteristic element of the urban layout of the area and this part of the designated conservation area. As such, it would fail to preserve or enhance or better reveal its significance as a heritage asset or that of its setting.

Although this level of harm is assessed as being less than substantial, it is not thought that there would be sufficient public benefit resulting from the scheme against which it could be weighed in its favour in light of the loss of the present community facility.

In addition, whilst the design flood level of the development would now address the flood risk objections referenced above, it is maintained that the scheme as a whole would fail the required sequential test in terms of its location immediately alongside flood zones 2 and 3 that extend along Brook Street as well as partially into the site itself. Aside from there being no assurances as to the ready availability of the means of emergency escape - via Sandhill Street - in perpetuity, access during an extreme event for emergency vehicles would likely be impeded.

This also recognises the availability of alternative sites on land that is within flood zone 1 and sequentially preferred for the accommodation of housing development.

Moreover, it is not considered that the development would provide wider sustainability benefits to the community that outweigh the flood risk such that it may be concluded that the proposal would pass the exception test.

Although likely to result in reduced impacts upon the occupiers of neighbouring properties, including the flats in Robert Hone House adjacent to the site, on account of the reduced scale and revised design of the scheme, it is also maintained that the previous objections on this ground have not been satisfactorily addressed.

In the circumstances therefore, and whilst the provision of affordable housing would again ordinarily be welcomed, in the wider planning balance it is not considered that this benefit would outweigh the harm caused by the proposal in

terms of the loss of the existing community facility, the dominating mass and scale of the development and subsequent harm to the Conservation Area, harm to the amenity of surrounding residents and conflict with flood risk interests.

Notwithstanding the support offered by the town council and ward member, it is recommended that this revised scheme should be refused.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Council continue to support the application which will provide more social housing in the parish.

Ottery St Mary - Cllr Vicky Johns (Comments re. original plans)

This application falls within my ward and I object on the grounds that the application has not changed much compared to the previous application which was refused. The Feoffee building is a Community building and as such should be treated as one, I appreciate it has not been well used over the last couple of years however this is probably the same as many community buildings due to the pandemic. I have seen a few posts on social media asking how to hire the Defoe building with the comment being to contact the solicitors named Gilbert Stephens in Ottery to enquire about hiring it.

I am also concerned about the risk of flooding due to the building being within the flood zone, these concerns do not seem to have been covered within this new application. There is no parking for these new flats and as we are all aware parking in the centre of any town is a huge concern. Not to mention the loss of green space and the concerns raised by the residents with regards to the loss of privacy and light to their own homes nearby.

So with this information I feel I can only object to the application although I do appreciate that some affordable housing in Ottery would be fabulous, however I reserve the right to change my mind if any new information comes forward.

Ottery St Mary - Cllr Vicky Johns (Comments re. amended plans)

I object to this planning application as I feel it will overpower the conservation area, is within a flood zone and is a community building which due to Covid has not been used to its full capacity. I'm aware that language lessons are due to commence in the building in the upcoming weeks which shows the community building is needed.

The plans state that there won't be any need for parking due to the residents not needing cars; however even if the residents don't use cars their visitors, deliveries, etc. would probably use vehicles causing more parking issues an already overcrowded area. The building itself would obstruct light to the neighbouring properties.

These are my views with the information I have and I retain my right to change my mind if further information comes to light.

Ottery St Mary - Cllr Peter Faithfull

This application is in my ward and the preliminary view, based on the information presently available to me is that it should be approved with conditions.

I would like to see as much of the south boundary wall as possible remaining to maintain the general appearance of the setting. I would also like to see changes to the access via the pathway to Sandhill Street to ensure that the site is accessible even during flooding. I would like to see the path be made a more sloping path with the steps set apart to make the path more accessible for people with mobility issues.

Although the present building is regarded as a community centre, the building was only ever built as a temporary structure as an extra classroom for the local primary school, before it was relocated to its present site in the 1970s. The present building has reached its expected life. While it is true that the building has been used by the community for many years, there are quite a number of other buildings which are also underused around the town.

I request that this application be taken to a full planning meeting.

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.

Ottery St Mary – Cllr Geoff Pratt

I am a member of the Planning Committee and as such will keep an open mind on this matter and have not in any way predetermined my thoughts.

I recently attended the Ottery St.Mary Town Council Planning Committee meeting on the 14th March 2023 where this application was on the agenda. I did not speak at the meeting but listened to the comments made by the Town Councillors. The Committee voted unanimously to support this application.

My preliminary view based on the information available to me is that I would support this application as the applicants are providing affordable homes exclusively for the community of Ottery St. Mary and particularly for those in need of homes.

I reserve my right to change my views in the event that further information becomes available to me

Technical Consultations

DCC Historic Environment Officer

Dear Sir/Madam,

Application No. 22/2305/FUL

Ottery Feoffee Day Centre Brook Street Ottery St Mary EX11 1EZ - Replacement of community centre with 4no. residential flats (almshouses) with associated development to include access, landscaping and drainage: Historic Environment

My ref: ARCH/DM/ED/38114a

I refer to the above application. The archaeological field evaluation undertaken by Oakford Archaeology here has demonstrated the presence of post-medieval ditches containing artefactual material dating to the 17th and 18th centuries. No heritage assets were exposed of such significance that the Historic Environment Team would advise preservation in situ. However, the impact of the development upon these heritage assets should be mitigated by a programme of archaeological work to investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team therefore recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

County Highway Authority

Please see comments under the documents tab.

Conservation

Comments on the amendments received on 28.02.2023 are below this report.

CONSERVATION CONSULTATION ON PLANNING APPLICATION AFFECTING A CONSERVATION AREA.

22/2305/FUL

Ottery Feoffee Day Centre, Brook Street, Ottery St Mary, EX11 1EZ

Replacement of community centre with 4no. residential flats (almshouses) with associated development to include access, landscaping and drainage.

Significance

The existing building holds limited historic value and is not considered a designated heritage asset as an existing 20th century single storey, modular timber clad structure with a brick plinth. However in context of the community use of the building it is considered to hold merit in respect of communal value that contributes to the significance of Ottery St Mary Conservation Area as a heritage asset.

In respect of the conservation area, the appearance of the wider area is of significant character which has evolved over time to accommodate commercial and social

need, evidence of which can be found through a mix of modern residential (mostly terraced) houses integrated into and extending the historic commercial core.

In the immediate setting of Brook Street, the historic planform remains evident through the orientation, massing, scale and function of the built form serving a mixture of commercial and residential properties on Sandhill Street, Batts Lane and Yonder Street, set against a traditionally profiled roof scape that includes St Mary's Church.

In context of the site this is in an elevated position retained by a traditional stone and brick boundary wall, which is considered a strong characteristic of Brook Street and the wider conservation area.

Proposal

The development works as proposed through this application is for the replacement of community centre, with 4no. Residential flats (almshouses) with associated development to include access, landscaping and drainage.

Assessment of harm

The orientation, mass and scale of the proposed residential block as demonstrated through the photomontage provided, allows for the continued experienced of the profile of the historic skyline in longer views from the carpark located opposite the site in Brook Street.

However, in more immediate views and as a result of the elevated levels of the site, the introduction of a two storey building will be experienced as a dominant feature, uncharacteristic within the urban layout that defines the street scene and in turn evolved built form found within the wider conservation area.

Turning to the design, this is considered acceptable in principle, as it draws on key features found in the immediate area including; flat roof porches, roof form, gable ends, modern window proportions, and use of materials.

In respect of the future treatment and long term maintenance of the existing boundary wall, little information has been provided on how this will be incorporated into the landscaping scheme, as a valuable feature that contributes to the character and appearance of the immediate street scene and surrounding conservation area.

In summary the mass and scale of the development is considered to be overly dominant within the immediate setting of Brook Street by virtue of the site being elevated above street level. In addition little information has been provided on the treatment of the existing boundary wall and its long term conservation as a feature that contributes to the heritage values (significance) of the surrounding conservation area.

Whilst there is a presumption in favour of development, the mass and scale of the development does not preserve, enhance or better reveal the significance of the conservation area as a heritage asset or its setting, resulting in less than substantial harm without public benefit, through the loss of a community centre which

contributes to the communal value of the wider conservation area as a heritage asset.

Recommend refusal

01.12.2022

SLG

Amendments received 28 February 2023

The amendments as proposed do not sufficiently address the concerns identified through the initial heritage consultation, in this respect the proposed development does not go towards preserving, enhancing, or better reveal the significance of the conservation area as a heritage asset or its setting, resulting in less than substantial harm without public benefit, through the loss of a community centre which contributes to the communal value of the wider conservation area as a heritage asset.

Recommend refusal

23.03.2023

SLG

Environment Agency (Original comments)

Dear Sir/Madam

REPLACEMENT OF COMMUNITY CENTRE WITH 4NO. RESIDENTIAL FLATS (ALMSHOUSES) WITH ASSOCIATED DEVELOPMENT TO INCLUDE ACCESS, LANDSCAPING AND DRAINAGE.

OTTERY FEOFFEE DAY CENTRE BROOK STREET OTTERY ST MARY EX11 1EZ

Thank you for your consultation of 28 October 2022 in respect of this planning application.

Environment Agency position

We object to the proposed development on the grounds of the fact that it appears an up to date Flood Risk Assessment (FRA) has not been submitted with the application. The reasons for our position are detailed below along with informative comments regarding proximity of the proposal to a designated main river.

Reason - Flood risk assessment required

Whilst we note the Design and Access Statement makes reference to a previously prepared FRA and the proximity of the site to Flood Zones, the FRA does not appear to have been submitted as required by the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG). Furthermore, we note that the previously submitted pre-dates the revised NPPF and PPG, and the most recent climate change allowances.

We are aware that a previous application (Ref. 20/2668/FUL) for this site was refused and that the current proposal reflects to a degree the flood risk to the site and its environs by virtue of raised floor levels. However, in the absence of a revised FRA that takes into account the latest version of the NPPF and PPG, along with the most up to date climate change allowances we advise that the application should not yet be determined.

In order to make a properly informed decision on this proposal a revised FRA that reflects recent changes in policy and guidance should be produced and submitted to the your authority.

Informative - Proximity to a main river (flood risk activity permit)

It must be noted that there is a main river culvert located in Brook Street that is within 8m of the application site. The Environmental Permitting (England and Wales) Regulations 2016 require a flood risk activity permit to be obtained from the Environment Agency for any works within 8 metres of a designated main river watercourse.

Environment Agency (Further comments)

Thank you for re-consulting us on the above planning application.

Environment Agency position

On the basis of the Flood Risk Assessment (FRA) by Dennis Gedge Consulting Engineer dated Oct 2022, we advise that we can remove our objection to the development as proposed.

Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already.

The reason for this position is set out below.

Reason - Flood Risk

Part of the application site lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 167, footnote 55 of the NPPF requires the submission of a site-specific FRA when development is proposed in such locations.

We have reviewed the submitted FRA and plans. We are satisfied that the proposed ground floor level of 53.45m (ref Drawing Site Plan & Section As Proposed Drawing No. 454391/06A Rev A dated Oct 22), and development layout, are such that the development will be safe from flooding over its lifetime.

Informative - Environmental Permitting

We take this opportunity to state that there is a main river culvert that is located in Brook Street that is within 8m of the application site.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained from the Environment Agency for any activities within 8 metres of a culverted main river watercourse that are likely to cause damage to or affect the stability to such.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact SW_Exeter-PSO@environment-agency.gov.uk

A permit is separate to and in addition to any planning permission granted. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted.

Please contact us again if you require any further advice.

Other Representations

Five representations of objection have been received across two rounds of consultation.

Summary of Grounds of Objection

1. Overlooking/loss of privacy.
2. Loss of light.
3. Dominating and overbearing.
4. Loss of green space.
5. Adverse effect on neighbours' residential amenity.
6. Harmful impact on character and visual amenity of Ottery St Mary Conservation Area.
7. Lack of parking provision and impact on road safety.
8. Increased pressure on public drainage assets and flood risk due to increased surface area of roof and hard landscaping.
9. Environmental impact of development; proposed construction materials all contain embedded carbon and directly contribute to climate change.
10. Development contrary to the Neighbourhood Plan - loss of a Community Facility of Value - is undemocratic.
11. Impact on residential amenity of occupants of Robert Hone House.
12. Lack of evidence to support requirement for almshouses in lieu of community centre.
13. Noise from air source heat pumps.
14. Disruption during construction process.
15. Brook Street is very narrow and therefore parking of goods vehicles, to load and unload, would block access.
16. Impact upon wildlife.
17. Community centre is more central and accessible to residents in the town than other venues used for community events.
18. Increased pressure on local services.

PLANNING HISTORY

Reference	Description	Decision	Date
20/2668/FUL	Replacement of the Community Centre with 6 no. residential flats.	Refusal	28.10.2021

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 1 (Spatial Strategy for Development in East Devon)

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 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

RC6 (Local Community Facilities)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Made Ottery St Mary and West Hill Neighbourhood Plan 2017-2031 Policies

NP2 (Sensitive, High Quality Design)

NP3 (Infill, Backland and Residential Garden Development)

NP12 (Appropriate Housing Mix)

NP17 (Community Facilities of Value)

NP22 (Ottery St. Mary Conservation Area)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

ANALYSIS

Site Location and Description

The site, which is approximately 0.05 hectares in area, is located on the northern side of Brook Street to the east of Ottery St. Mary town centre and, more specifically, around 50 metres to the east of the crossroads junction with Batts Lane.

It houses the Ottery Feoffee Charity Community Centre premises, which comprises a single storey building with vertical timber boarded walls over a brick plinth beneath a shallow felt pitched roof oriented gable end on to the highway. It is managed by the applicants, the Trustees of the Ottery Feoffee Charity.

The structure has an open setting with the remainder of the site mainly laid to grass, the level of which is, variously, between 1.5 metres and 3 metres above that of Brook Street with a gentle fall from north to south. The floor level of the building itself is around 2 metres above street level.

The principal frontage onto Brook Street is defined by a mixed render-faced stone and brick retaining wall with a low chain link fence above. It is broken via a pedestrian entrance to a short flight of steps leading up to the building.

The site has an entirely open boundary to a two storey complex of flats, known as Robert Hone House, to the north and a mix of timber fencing and brick wall treatment to the west and east boundaries with the rear gardens of nos. 9-11 Batts Lane and a private parking area to the rear of residential properties within the former Old School building respectively.

Robert Hone House comprises a two storey building housing four flats that is accessed from Sandhill Street to the north. It is also managed by the applicants and it is understood that residents have use of the communal space around the Community Centre building.

The surrounding area is largely of residential character and comprises a mix of forms of accommodation and building forms, designs and appearances. However, both older and more recent brick terraced housing is characteristic of development in Brook Street to the east of the site.

The site is located within the designated Ottery St. Mary Conservation Area and the front part of the site, as well as Brook Street itself, lie within flood zones 2 and 3.

Background

Planning permission was sought in 2020 (application 20/2668/FUL refers) for a proposal relating to the demolition of the existing community centre building and redevelopment of the site with a scheme comprising a two storey building housing six one bedroom flats, three on each level.

However, following consideration by the Planning Committee in October 2021, the application was refused on the following grounds:

1. In the opinion of the Local Planning Authority, insufficient evidence has been provided to satisfactorily demonstrate that all options for the retention of the existing building and site for social or community gathering, or business or employment, purposes have been fully explored without success for an appropriate period of time. As such, the proposed development would result in the loss of an existing community facility, identified as a Community Facility of Value, that would harm social and community gathering opportunities in the area. As a consequence, the proposal would be contrary to the provisions of Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the adopted East Devon Local Plan 2013-2031, Policy NP17 (Community Facilities of Value) of the made Ottery St. Mary and West Hill Neighbourhood Plan 2017-2031 and guidance as set out in paragraph 93 of the National Planning Policy Framework (2021).

2. On the basis of the information submitted, the Local Planning Authority is not satisfied that the proposed finished floor level of the development would not place it at risk of flooding during an extreme event and, as such, that it will be safe for its lifetime without the vulnerability of its users being exposed, it would avoid an increase in flood risk elsewhere, lead to a reduction in flood risk overall and the inclusion of safe access and escape routes, as part of an agreed emergency plan, has been provided. In addition, excavations to lower ground levels to create the proposed finished floor level would be likely to place the site for the building within a flood zone where new residential development, which is classed as 'more vulnerable' in the flood risk vulnerability classification set out in Annex 3 of the National Planning Policy Framework (2021) (NPPF), may not satisfy the sequential or exception tests for flood risk. As a consequence, the proposal would be contrary to the provisions of Policy EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031 and those of the NPPF.

3. The proposed development would be of an excessive bulk, scale and massing and inappropriate proportions that would relate poorly to the scale and form of adjacent residential properties, and particularly those in Batts Lane to the west of the site, in relation to which it would appear unduly physically and visually dominating. Furthermore, by reason of its occupation of the majority of the width of the site, the excavation necessary to create the proposed floor and site levels and the associated construction of the retaining walls shown on the submitted plans, it would, in the absence of satisfactory information to demonstrate otherwise, place historic boundary walls at risk. As such, it would amount to overdevelopment of the site that would fail to preserve or enhance the character, appearance and significance of the

designated Ottery St. Mary Conservation Area, which is a designated heritage asset, in which the site is located. Moreover, the impacts identified would be likely to be exacerbated by any raising of finished floor levels that might alternatively be proposed to address the flood risk issues set out in reason 2. As a consequence, the proposal would be contrary to the provisions of Strategies 6 (Development Within Built-Up Area Boundaries and 24 (Development at Ottery St. Mary) and Policies D1 (Design and Local Distinctiveness), EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the adopted East Devon Local Plan 2013-2031 and Policies NP2 (Sensitive, High Quality Design), NP3 (Infill, Backland and Residential Garden Development) and NP22 (Ottery St. Mary Conservation Area) of the made Ottery St. Mary and West Hill Neighbourhood Plan 2017-2031.

4. The development would result in a layout and pattern of residential development, relative to existing neighbouring and nearby development in Brook Street and Sandhill Street, that would not be characteristic of the surrounding area and which would result in an intensification in the residential occupation and associated use of an existing communal space of limited area between the proposed building and Robert Hone House giving rise to an uncomfortable spatial relationship for prospective and existing occupiers respectively. It would also create an unacceptable overlooking impact upon the rear garden of no. 11 Sandhill Street, with consequential detriment to the privacy and living conditions of the occupiers, and an unduly physically overbearing and dominating impact upon the rear gardens of properties at nos. 9-11 Batts Lane to the detriment of the amenities of the occupiers. As a consequence, the proposal would be contrary to the provisions of Strategy 6 (Development Within Built-Up Area Boundaries and 24 and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031 and Policies NP2 (Sensitive, High Quality Design) and NP3 (Infill, Backland and Residential Garden Development) of the made Ottery St. Mary and West Hill Neighbourhood Plan 2017-2031.

5. In the opinion of the Local Planning Authority, the social benefits arising from the provision of the proposed housing would not outweigh the balance of other material considerations as set out in the other grounds for refusal, more particularly in the absence of any mechanism to secure it as affordable housing and notwithstanding that it would otherwise exceed the requirements for the provision of such housing as set out in Strategy 34 (District Wide Affordable Housing Provision Targets) of the adopted East Devon Local Plan 2013-2031.

Proposed Development

The current application relates to a revised redevelopment scheme for the site involving the construction of a two storey building housing four one bedroom flats, two on each level.

Each of the flats would comprise a combined kitchen and living room, bedroom and bathroom or shower room with internal entrance porches and hallways. Separate entrances would be provided for each unit with the ground floor flats accessed at the front of the development and the first floor flats accessed from the rear (Robert Hone House) side of the building. All four flats would be provided with bin stores, attached

to the front of each unit, while a communal bicycle store would extend off the side elevation wall of the western of the two ground floor level flats.

The development would once again necessitate the excavation of the site in order to achieve an intended finished ground floor level for the building just over a metre above that of Brook Street. As before, a new pedestrian access from Brook Street would be created adjacent to the south eastern corner of the site with a ramped zig-zag path leading up to the entrance porches to the ground floor flats while a similar access path to provide the rear access to the first floor units would extend from an existing access alongside Robert Hone House from Sandhill Street. The existing pedestrian entrance off Brook Street would be closed up and the existing steps removed. Further paths would be laid out within the site to access the proposed bicycle store and along the eastern side of the development to provide connectivity between the front and rear of the site. Indeed, the latter would largely follow the route of an existing paved path.

The proposed building itself would, as before, occupy the majority of the width of the site and, in plan form, a position within the site on the edge of flood zones 2 and 3.

Viewed from Brook Street, it would exhibit - in comparison to the 2020 proposals - a more simplified built form, together with a design and external appearance, resembling a semi-detached pair of essentially identical dwellings with gabled side walls and front gables with slightly subservient ridge heights in relation to the main core of the building. The rear elevation would also exhibit a more simple treatment with only a flat-roofed canopy over the entrance doors.

The external wall finishes would comprise red face brick throughout under a natural slate pitched roof with clay ridge tiles. Entrance doors to the units and the bicycle store would be vertical timber boarded with, the case of the former, full height glazing strips. Windows would be white PVCu-framed and of a mix of single and two light side and top-hung casement design.

The roof ridge height of the building would be around 8 metres, around 0.2 metres lower than that of the building previously proposed. However, with the more elevated floor level proposed, site section details accompanying the application indicate that the ridge level itself would be just above the eaves level of Robert Hone House to the north.

As before, the scheme does not make any off road parking provision.

The scheme has been amended during the course of the application to seek to address the various concerns raised by consultees and interested third parties.

The revisions principally take the form of a 0.06m reduction in the roof ridge height of the main body of the building and a 0.86m reduction in the roof ridge height of the subservient front gable elements together with the substitution of high level windows in both of the gabled side elevations serving the lounges of the first floor level flats for larger windows originally proposed. In addition, more detail as to the intended landscaping of the site, including the intended reconstruction of part the frontage boundary retaining wall alongside the creation of new pedestrian openings, has been

provided. Timber screens have also been added around proposed air source heat pumps so as to obscure their appearance.

Considerations/Assessment

The overarching issue that is integral to the assessment of the submitted revised proposals is the extent to which they may be regarded as satisfactorily addressing all of the previous grounds for refusal of the scheme subject of application ref. 20/2668/FUL.

The proposal is therefore once again considered having regard to the following material issues that are discussed in turn:

- o Principle of Development;
- o Loss of Community Facility;
- o Impact upon the Character and Appearance of the Conservation Area;
- o Flood Risk;
- o Impact upon the amenity of surrounding occupiers;
- o Other matters.

Principle of Development

The site remains located within the defined Built-up Area Boundary of the town as defined in the adopted Local Plan where the provisions of Local Plan Strategy 6 (Development Within Built-up Area Boundaries) consider the accommodation of growth, including housing development, to be acceptable from a strategic policy perspective.

The principle of residential development of the site in fundamental policy terms therefore remains acceptable.

Loss of Community Facility

Paragraph 93 of the National Planning Policy Framework (NPPF) states that, in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, among other things, guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The provisions of Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the Local Plan, among other things, preclude the change of use of social or community facilities, where it would harm social or community gathering opportunities in the area, unless one or more of four specified criteria are met.

Although three of these criteria are not thought to be material to assessment of the proposal against this strategy in this case, the remaining criterion is relevant and this requires that options for the retention of the 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 that there is a clear demonstration of surplus of land or provision in a locality.

In part complementary to the objectives of this strategy, Policy NP17 (Community Facilities of Value) of the made Ottery St. Mary and West Hill Neighbourhood Plan

(NP) 'strongly resists' proposals that would result in either the loss of, or significant harm to, defined Community Facilities of Value (CFV). These are separately listed, at Appendix 4 within the Plan, and include the Feoffee Community Centre building.

The preamble to this policy states that its purpose is to provide protection to all community facilities of recognised value.

At the time of the previous application, the agents representing the charity provided a Statement on Use, Viability and Local Alternatives (SUVLA). Its principal conclusions at the time were as follows:

- Details of bookings for 2018, 2019 and 2020 show that the premises are unoccupied and not in use for 10 or more days every month
- Like many of the community facilities in Ottery St Mary, usage by groups and individuals depends on their needs and budgets which can vary over time
- The net income from Community Centre bookings provides little opportunity for reinvesting in the future of the building with only modest profits made in 2017 and 2018 and a loss in 2019
- The Community Centre is only available to the community because of the Charity continuing to subsidise the operation and maintenance of the building
- Looking to the future, Charity Trustees are aware that the capital cost of replacement windows, a new heating system, and/or further repairs to the roof and exterior of the building, will result in the Community Centre generating a loss, deducting money from Charity funds; this is not considered to be economically sustainable
- If making the Community Centre available to the public is economically unsustainable, depleting Charity funds, the land and property at Brook Street is not being put to best use
- The local community will not be deprived of suitable, if not better, alternative venues or facilities if the Charity pursues a project to deliver more residential accommodation within the town. These include: The Institute; Ottery Station Community Hub; Ottery St. Mary town council building; Ottery St. Mary Cricket Club; Ottery St. Mary Football Club; The Old Boys' School; Kings School; Ottery St. Mary Primary School; the 'Mens' Shed, and various churches.

An updated SUVLA has been provided with the current application. However, aside from reference to the receipt of a Retail, Hospitality and Leisure Grant from the Council during the pandemic and a costs and income comparison during the period 2012-2021 that demonstrates that, discounting the grant, the premises made a loss of just under £8k, it is considered that it largely reiterates many of the arguments made previously.

As before, no evidence has been provided to demonstrate that any options for the retention of the premises for its current, or similar, uses, including the marketing of the building, have been actively explored in line with the provisions of Local Plan Strategy 32 referenced above.

Although, again, the submitted statement does seek to provide the requisite 'clear demonstration of surplus.....provision' that is also set out in the strategy, its wording requires both criteria to be met.

No evidence has been provided to demonstrate the extent of efforts that have been made over the past few years to promote or raise awareness of the availability of the premises within, and for, the community or the potential that it might offer as a meeting or activity-centred venue for the wide range of community groups and services that exist within the town and/or further afield.

Furthermore, no evidence has been forthcoming to demonstrate that such uses could be made viable if the facility were, further to completion of a successful robust marketing effort, operated under different ownership that might invest in making improvements to it that would enhance its appeal to prospective community groups/users.

Under the provisions of Local Plan Strategy 32, such an effort could also extend to any potential alternative business or employment use that might equally contribute to the economic well-being and vibrancy and viability of the town. However, no such effort has been demonstrated.

In any event, and notwithstanding the lack of demonstration of options for the retention of the premises for its present or similar use set out above, it is reiterated that it is not considered that the number of bookings made and the level of use to which the premises have been put - particularly prior to the pandemic - necessarily reflects a lack of community interest in the building. Indeed, the evidence presented may be regarded as demonstrating a comparatively healthy level of use.

It is accepted that this needs to be balanced against the social benefits that may be derived from the provision of a form of 'affordable housing' that the scheme would entail. In this regard, the favourable recommendation offered by the town council gives greater weight to these.

However, whilst allowing for the loss of community facilities with clear justification, the wording of Neighbourhood Plan Policy NP17 clarifies that such loss will be strongly resisted. As such, for the reasons given above, it is not considered that the clear justification that is required has been provided, particularly when balanced with further concerns with the proposal outlined later within this report.

Given the range of factors set out, both above and within the next sections of the report, it is considered that the requirements of Local Plan Strategy 32 have not been met and, moreover, that this failure, coupled with the 'strong resistance' that neighbourhood plan Policy NP17 applies in relation to the loss of community facilities, should continue to carry significant weight against the principle of a residential redevelopment of the site.

Impact upon the Character and Appearance of Conservation Area

Notwithstanding the incorporation of a form and design of building and brick external wall finish to seek to reflect the existing terraced residential development in Brook Street to the east of the site, together with the retention of the majority of the retaining wall along its road frontage, there remains empathy with the observations made by the Conservation Team in regard to the overriding concerns in relation to the proposed scheme and the likely resulting impact upon the character and

appearance of the designated conservation area, to which 'special regard' must be given in the control of development.

The loss of the existing community centre building, whilst not of itself likely to detract visually from the character or appearance of the conservation area, nevertheless holds a communal value that contributes to its general significance as a heritage asset.

In terms of the proposed development itself, it would enable the retention of views from the car park on the opposite side of Brook Street - to the east of the site - of the historic skyline to the north, including St. Mary's Church. However, in closer range views, and owing to a combination of its mass and scale and the elevated level at which it would be constructed in order to address flood risk issues (discussed in the next section of the report), it would be experienced as an overtly dominant and uncharacteristic element within the evolved urban layout of this part of the town that defines the character and appearance of the street scene and the significance of the wider conservation area.

Although the reduction in the number of units, the modifications to the design, materials, etc. and the slight reduction in the height of the development from the previous scheme are themselves accepted as representing improvements, the raising of the floor levels by a greater amount than that of the height reduction would result in the building appearing taller on the site overall than previously envisaged. Notwithstanding the reduction in the width of the development also proposed, the revisions would therefore reinforce the dominance of the building on the site and within the street scene rather than address it.

It would further, therefore, fail to preserve, enhance or better reveal the significance of the conservation area as a heritage asset or its setting.

Furthermore, it is also again thought that little information has been provided as to how the intended future treatment and long term maintenance of the existing traditional stone and brick boundary wall on the Brook Street frontage of the site would be incorporated into any landscaping scheme as a strong characteristic of the immediate street scene and surrounding conservation area and valuable feature that also contributes to its significance.

The scheme would therefore result in a level of harm to the character, appearance and significance of the designated conservation area as a heritage asset. Whilst it is accepted that this would be 'less than substantial', paragraph 202 of the National Planning Policy Framework (NPPF) requires that such harm be weighed against the public benefits of the proposal. In this regard, the loss of the community centre is considered to outweigh the public benefit that the development would facilitate in the form of the provision of a small number of 'affordable' units of accommodation.

As such, and also notwithstanding the reduced potential threat to historic side boundaries owing to a combination of a narrower footprint across the width of the site, reduced level of site excavation to manage floor levels and the apparent absence of any retaining walls to either side of the building, and aside from the issues that the proposed finished floor levels present in flood risk terms (discussed

below), it is not thought that the revised scheme would represent an appropriate response to the constraints of the site in conservation area terms.

It would therefore continue to run counter to the objectives of Strategies 6 (Development Within Built-up Area Boundaries) and 24 (Development at Ottery St. Mary, as well as Policies D1 (Design and Local Distinctiveness), EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas), of the Local Plan and Policies NP2 (Sensitive, High Quality Design) and NP22 (Ottery St. Mary Conservation Area) of the Neighbourhood Plan.

Flood Risk

The submitted revised flood risk assessment (FRA) accompanying the application recommends that the scheme should seek to achieve a design flood level of 53.11 metres AOD with allowance for a freeboard of over 0.3 metres above. The submitted details therefore show a ground floor level of 53.46 AOD. This is just over 1 metre above the equivalent level proposed for the previous scheme subject of application 20/2668/FUL.

On the basis of these heightened levels, the Environment Agency (EA) has no objection to the proposals.

However, there remains a requirement, set out in Local Plan Policy EN21 (River and Coastal Flooding) and NPPF paragraph 167, for the Authority to apply the sequential test in order to establish the acceptability, or otherwise, of the development and its location - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property.

This should also take into account the flood risk vulnerability classification for both the existing community centre use of the building/site and the proposed residential development as set out in national Planning Practice Guidance (PPG).

As stated above, the front portion of the site lies within flood zones 2 and 3. The entirety of Brook Street also lies within the same flood zones.

NPPF paragraph 167 states that development should only be allowed in areas at risk of flooding where it can be demonstrated, among other things, that safe access and escape routes are included as part of an agreed emergency plan.

The submitted FRA advises that access/escape to/from Sandhill Street to the north would be available via an 'unrestricted footway', presumed to be that alongside Robert Hone House.

However, there can be no guarantee that this would be available to prospective occupiers of the development in the longer term. Although the accommodation at Robert Hone House is currently under the management of the applicants, it does not appear from the information submitted that it is within their actual ownership. As such, there is no means of ensuring that this would remain the case indefinitely or that access would be maintained in perpetuity. The development would not

necessarily maintain control over this potential means of escape during an extreme flood event.

In addition, with Brook Street itself being vulnerable to flooding for its entire length, this would present difficulties of access to the site for emergency vehicles during any extreme flood event that may occur.

In applying the sequential test, the objective should be to steer new development to areas with the lowest flood risk from any source whilst also avoiding allowing more vulnerable uses - in flood risk vulnerability classification terms - in place of less vulnerable uses. Development should not be permitted if there are reasonably available sites appropriate for it in areas with a lower flood risk.

In this case it is thought that there are many 'reasonably available' sites for housing development within flood zone 1 throughout the District. Moreover, the proposal would involve the substitution of a use that falls within a 'less vulnerable' category, in terms of flood risk vulnerability, for development of a 'more vulnerable' category.

It is therefore concluded on this issue that the sequential test would not be satisfied.

Following on from this, and in consideration of the need to apply the exception test, NPPF paragraph 164 and Local Plan Policy EN21 require that, in order to pass it, it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh flood risk and that it would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reducing flood risk overall.

It is not considered in this case that the social benefits of affordable housing provision would outweigh the loss of a community facility, more especially given the balance of the other issues that also weigh against the proposal, to an extent that it would meet the first part of the test. Moreover, for the reasons set out above, it is not thought that it can be concluded that the development would be safe, especially given the potential vulnerability of the prospective occupiers.

The proposal is therefore assessed as being in conflict with flood risk interests and the requisite sequential approach to the accommodation of new development set out in both national and local policies.

Impact upon Neighbour Amenity

As with the previous refused scheme for the site, the development would be positioned and oriented where the rearward outlook and aspect, more especially from the proposed first floor flats, would directly face the windows and balconies serving the flats in Robert Hone House. These would be at relatively close quarters, with a separation distance between the existing and proposed buildings of around only 11 metres.

Taken together with the retention of the current open space in between the two, with no sub-division to demarcate any boundary, it is thought that this would again be likely to result in a less than comfortable layout and arrangement, from a spatial perspective, for both existing and prospective occupiers.

However, relative to the scale, form and design of the previous scheme proposed under application 20/2668/FUL, it is conceded that the level of impact, both physically and in terms of the number and sizes of windows proposed in the rear elevation of the development, would be reduced.

It is also considered that a similar conclusion can be reached in relation to the impact of the development upon the living conditions of the occupiers of nos. 9-11 Batts Lane to the west of the site. It would be set further into the site from the western site boundary with the rear gardens of these properties, by between 4 and 5 metres, when compared with the previous scheme. As such, it is not considered that the likely level of physical impact would be as dominating, intrusive or overbearing as to be materially harmful, notwithstanding the elevated nature of the development. It would nevertheless result in a degree of impact.

However, the scheme would retain a single secondary living window to one of the proposed first floor level flats in the west elevation that would afford an outlook towards them (a second smaller window that is proposed being intended to serve a shower room). It is thought that this window would cause a degree of overlooking of the adjacent rear gardens of nos. 9-11, notwithstanding the greater separation distance from the site boundary when compared with the 2020 proposals.

Other Issues

The application is accompanied by draft heads of terms for a potential legal agreement that relate to the securing of the provision of all four units within the development as affordable housing in line with the applicant charity's objectives.

However, direct provision of such housing at a rate of 100% would not ordinarily be required under the provisions of Strategy 34 (District Wide Affordable Housing Provision Targets) of the adopted Local Plan. Under the thresholds set out in the Strategy, a target of 25% is set for a number of the towns across the District, including Ottery St. Mary.

Furthermore, relevant Government policy, as set out in national Planning Policy Guidance, requires that this be made in the form of a commuted payment/financial contribution in lieu of direct provision.

The proposal therefore amounts to an over provision of affordable housing. Whilst clearly very welcome from a social perspective, no legal mechanism has been agreed and completed to secure the proposed development as affordable housing.

As such, the absence of any concluded agreement to this effect again represents a further ground for opposing the scheme.

In any event, even if such an agreement were in place, having regard to the overall planning balance it is again not considered that the benefits that it would secure would be sufficient to outweigh the wider policy, conservation area and flood risk concerns set out above in this case.

Summary

It is accepted, in light of the lack of a five year supply of available housing land, that the proposed development could provide a contribution towards addressing this shortfall.

However, the 'tilted balance' in favour of sustainable development applied in such circumstances, at paragraph 11 of the NPPF, is qualified by the requirement to apply policies that protect areas or assets of particular importance and, where they provide clear reasons for refusing development, can be outweighed by them.

Among such policies are those relating to designated heritage assets, which include conservation areas, and areas at risk of flooding.

It is clear, as demonstrated in this report, that the adverse impacts of the proposed development significantly and demonstrably outweigh any benefits of the development and as such it is recommended that planning permission be refused.

Habitat Regulations Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation 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 Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. 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.

RECOMMENDATIONS

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That the application be REFUSED for the following reasons:
 1. In the opinion of the Local Planning Authority, insufficient evidence has been provided to satisfactorily demonstrate that all options for the retention of the existing building and site for social or community gathering, or business or employment, purposes have been fully explored without success for an appropriate period of time. As such, the proposed development would result in the loss of an existing community facility, identified as a Community Facility of Value, that would harm social and community gathering opportunities in the area. As a consequence, the proposal would be contrary to the provisions of Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the adopted East Devon Local Plan 2013-2031, Policy NP17

(Community Facilities of Value) of the made Ottery St. Mary and West Hill Neighbourhood Plan 2017-2031 and guidance as set out in paragraph 93 of the National Planning Policy Framework (2021).

2. The application site is, in part, along with Brook Street from which access to the site during an emergency event would likely need to be taken, located in flood zones 2 and 3 where there is a higher probability of flood risk. In the opinion of the Local Planning Authority, there are other reasonably available sites within the district of East Devon with a lower probability of flooding that would be appropriate for residential development. The proposed development therefore fails to satisfy the sequential test for flood risk and, in the absence of demonstrable wider sustainability benefits to the community that would outweigh this, would be contrary to the provisions of Policy EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031 as well as guidance set out in the National Planning Policy Framework (2021) and Planning Practice Guidance.
3. The proposed development would be of an excessive mass and scale, accentuated by its elevated siting above the level of Brook Street that would appear unduly dominating in a manner that would be uncharacteristic of the layout and built form of surrounding development and the wider street scene. As such, the development would fail to preserve or enhance the character or appearance, or better reveal the significance, of the designated Ottery St. Mary Conservation Area, which is a designated heritage asset, in which the site is located. Although this would amount to less than substantial harm to the significance of the heritage asset, it is not considered that any public benefits of the proposal would outweigh this harm. As a consequence, the proposal would be contrary to the provisions of Strategies 6 (Development Within Built-Up Area Boundaries and 24 (Development at Ottery St. Mary) and Policies D1 (Design and Local Distinctiveness), EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the adopted East Devon Local Plan 2013-2031 and Policies NP2 (Sensitive, High Quality Design), NP3 (Infill, Backland and Residential Garden Development) and NP22 (Ottery St. Mary Conservation Area) of the made Ottery St. Mary and West Hill Neighbourhood Plan 2017-2031 and guidance as set out in the National Planning Policy Framework (2021).
4. The development would create a layout and pattern of residential development that would result in an intensification in the residential occupation and associated use of an existing communal space of limited area between the proposed building and Robert Hone House giving rise to an uncomfortable spatial relationship for prospective and existing occupiers respectively. It would also result in an unduly physically overbearing and dominating impact upon the rear gardens of properties at nos. 9-11 Batts Lane to the detriment of the amenities of the occupiers. As a consequence, the proposal would be contrary to the provisions of Strategy 6 (Development Within Built-Up Area Boundaries and 24 (Development at Ottery St. Mary) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031 and Policies NP2 (Sensitive, High Quality Design) and NP3 (Infill, Backland and Residential Garden Development) of the made Ottery St. Mary and West Hill

Neighbourhood Plan 2017-2031 and guidance as set out in the National Planning Policy Framework (2021).

5. In the opinion of the Local Planning Authority, the social benefits arising from the provision of the proposed housing would not outweigh the balance of other material considerations as set out in the other grounds for refusal, more particularly in the absence of any mechanism to secure it as affordable housing and notwithstanding that it would otherwise exceed the requirements for the provision of such housing as set out in Strategy 34 (District Wide Affordable Housing Provision Targets) of the adopted East Devon Local Plan 2013-2031.

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:

SLP 01	Location Plan	27.10.22
454391-07 A	: Sections	28.02.23
	site	
454391-04 B	Proposed Floor Plans	28.02.23
454391-05 B	Proposed Elevation	28.02.23
454391-06 B	Proposed Site Plan	28.02.23

List of Background Papers

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