

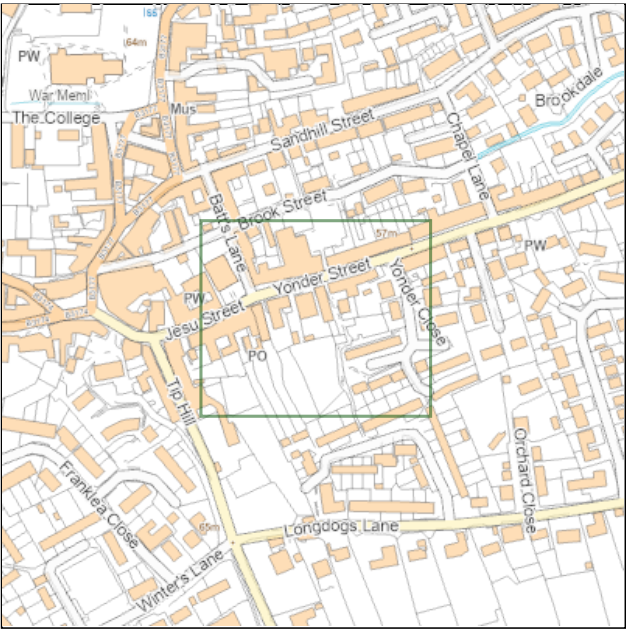
**Ward** Ottery St Mary

**Reference** 24/2576/FUL

**Applicant** Darren Mullin (Broadoak Services SW Ltd)

**Location** Former School Yonder Street Ottery St Mary

**Proposal** Conversion of Old Boys School to 3 apartments and retention of community facilities.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 25.03.2025</b>
<b>Ottery St Mary (Ottery St Mary)</b>	<b>24/2576/FUL</b>	<b>Target Date: 05.03.2025</b>
<b>Applicant:</b>	<b>Darren Mullin (Broadoak Services SW Ltd)</b>	
<b>Location:</b>	<b>Former School Yonder Street</b>	
<b>Proposal:</b>	<b>Conversion of Old Boys School to 3 apartments and retention of community facilities.</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

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

**The application site is the former Boys School, Yonder Street, a Victorian building within the centre of Ottery St Mary. The building sits within the conservation area and is noted with the Conservation Area Appraisal as a key building of architectural importance which makes a significant contribution to the townscape. The former school is currently in use as a food bank serving the town, and the building is listed within the Ottery St Mary and West Hill Neighbourhood Plan as a Community Facility of Value.**

**The proposal seeks to retain just over a third of the existing building in communal use, and seeks approval for the conversion of rest of the building into three apartments. In the absence of a 5 year housing land supply, the tilted balance in favour of sustainable development applies. In addition, the NPPF also states that where conflict arises between the presumption of sustainable development and the neighbourhood plan, the adverse impacts of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits where the Neighbourhood plan is over five years old. As such, the principle of development is deemed acceptable, subject to an assessment of the impacts of the proposal in respect of heritage and other considerations.**

**The scheme proposes a sensitive conversion of the building. It is considered that with conditions in place requiring further detail in respect of finishes, the proposed scheme would preserve the character and appearance of this distinctive building. The proposal would require the insertion of new intermediate floor levels within the building which could lead to overlooking of**

adjacent properties from a number of windows, therefore a condition is proposed requiring obscure glazing in a few locations.

The proposed apartments would comply with the Nationally Described Minimum Space standards and would provide centrally located accommodation, with easy access to local facilities on foot. The proposal also includes recommendations in respect of ecology to ensure that there would be no adverse impacts to protected species as a result of the proposal.

The proposed scheme would continue to preserve the character and appearance of the Ottery St Mary conservation area and complies with policies contained within the East Devon Local Plan, the Ottery St Mary and West Hill Neighbourhood Plan, and the Draft East Devon Local Plan and is therefore recommended for approval, subject to conditions.

## **CONSULTATIONS**

### **Local Consultations**

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

Town Council Comments;

The Town Council do not support this application based on the following;  
Residential use would result in significant harm to this Community Facility of Value - Policy NP17 of the Neighbourhood Plan  
The building is of special architectural and historic interest and plays an important part of the Towns fabric

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

This application includes development in the roof space of the Old Boy's School. There is no indication of how the floor area is impacted by the slope of the roof. As the minimum space standards only includes floor space of 1.5m, can we please have these details included in appropriate plans.

#### **Ottery St Mary – Cllr Bethany Collins 8/3/25**

*I do not support this application as conversion to residential usage would result in the loss of an asset of community value to Ottery. The building is currently used by The Order Larder who provide significant support to the community, and the space retained for community use will be a detriment to the community the building currently serves. I echo the comments of the Town Council who object to this application.*

## **Technical Consultations**

### **Environmental Health**

Support – subject to condition.

### **Other Representations**

Two third party representations have been received, in objection to the proposal.

A summary of grounds for objection are as follows:

- The building is listed as a Community Facility of Value in the Neighbourhood Plan. Its loss would be detrimental to the community and the small community space proposed for retention is inadequately sized and lacks essential facilities.
- The proposed dwellings would be too small with inadequate headroom.
- The proposal could lead to overlooking of surrounding properties as a result of the proposed side windows.
- The applicant has no right of access to the land alongside the building for the creation of new opening windows or for their future maintenance.
- There are no quality external recreational spaces for residents
- Concerns have been expressed about the condition of the retaining wall at the end of the school playground
- The building is occupied by bats, and there are concerns about their protection.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
75/C0745	Change Of Use To And Conversion Into Two Dwellings	Approval with conditions	29.09.1975
76/C1730	Use Class Xiii	Approval with conditions	06.04.1976
82/P1009	Use For Community Activities.	Approval with conditions	12.10.1982
88/P2245	Demolition Of Former School & Construction Of Sheltered Flats With Wardens Flat.	Refusal	28.07.1989
88/P2246	Demolition Of Building	Refusal	28.07.1989

20/1985/FUL	Conversion of hall to 3no. dwellings and construction of 2no. dwellings at the rear, including provision of 6no. parking spaces and demolition of lean-to and outbuilding	Refusal	15.10.2021
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## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries) Adopted  
 Strategy 24 (Development at Ottery St Mary) Adopted  
 Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) Adopted  
 D1 (Design and Local Distinctiveness) Adopted  
 EN5 (Wildlife Habitats and Features) Adopted  
 EN9 (Development Affecting a Designated Heritage Asset) Adopted  
 EN10 (Conservation Areas) Adopted  
 EN14 (Control of Pollution) Adopted  
 EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System) Adopted  
 EN22 (Surface Run-Off Implications of New Development) Adopted  
 H3 (Conversion of Existing Dwellings and Other Buildings to Flats) Adopted  
 TC2 (Accessibility of New Development) Adopted  
 TC7 (Adequacy of Road Network and Site Access) Adopted  
 TC9 (Parking Provision in New Development) Adopted

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

Policy NP2: Sensitive, High Quality Design  
 Policy NP9: Accessible Developments  
 Policy NP9: Accessible Developments  
 Policy NP12: Appropriate Housing Mix  
 Policy NP17: Community Facilities of Value  
 Policy NP22: Ottery St Mary Conservation Area  
 Policy NP24: Car parking in Ottery St Mary Town Centre

### Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP05 (Development inside Settlement Boundaries) Draft  
 Strategic Policy SD04 (Ottery St Mary and its development allocations) Draft  
 Strategic Policy CC02 (Moving toward Net-zero carbon development) Draft  
 Strategic Policy AR01 (Flooding) Draft  
 Strategic Policy AR02 (Water efficiency) Draft  
 Strategic Policy HN01 (Housing to address needs) Draft  
 Policy HN04 (Accessible and adaptable Housing) Draft  
 Policy HN06 (Sub-dividing or replacing existing buildings and dwellings) Draft

Strategic Policy DS01 (Design and local distinctiveness) Draft  
Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport) Draft  
Policy TR04 (Parking standards) Draft  
Strategic Policy OL01 (Landscape features) Draft  
Policy OL09 (Control of pollution) Draft  
Policy PB03 (Protection of irreplaceable habitats and important features) Draft  
Strategic Policy PB05 (Biodiversity Net Gain) Draft  
Policy PB07 (Ecological enhancement and biodiversity in the built environment) Draft  
Policy HE03 (Conservation Areas) Draft  
Policy CF02 (Loss of community facilities) Draft

### Government Planning Documents

NPPF (National Planning Policy Framework 2025)

### Site Location and Description

The application building is the former Boy's School building which sits to the south of Yonder Street on the eastern side of Ottery St Mary town centre. The building is within the Ottery St Mary Conservation Area and although not statutorily listed, the building is noted with the Conservation Area Appraisal as a key building of architectural importance which makes a significant contribution to the townscape.

The building was constructed in the late 1860s and comprises two rooms, comprising a classroom and a school room, with a total area of 207 square metres. This figure also includes a more recently constructed extension to the rear / south of the building.

The building is in the Victorian gothic style and is constructed principally in chert stone, with contrasting dressed buff stonework surrounds to window and door reveals and has buff stonework quoins. The building has ornamental brickwork banding in a red and brick checkerboard pattern and has steeply sloping slate roofs and has stone mullioned windows to the north and south elevations. The building has a single storey porch, with a pointed arch surround to the main entrance door. The porch retains its ornamental red clay tiled roof and red clay cocks comb ridge tiles. The building also has a number of gabled and half hipped dormer windows, which are roofed in red clay plain tiles with the exception of the street facing dormer to the north elevation.

Immediately to the rear of the building is an open hard standing area, formerly the school playground, which is bound on the south and east sides by high stone walls, and a modern concrete block wall to the western boundary.

The building is currently used as a food bank for the community and is open between 2 hours and 4 hours a day, 7 days a week. The building is included within the Ottery St Mary and West Hill Neighbourhood Plan as a Community Facility of Value.

### Proposed Development

The application proposes the retention of part of the ground floor of the building for community use, with the rest of the building being converted to provide 3 dwellings.

One of the ground floor rooms would be retained in community use, which would include a utility area and a proposed accessible WC. In total 75 square metres of the building would be retained in community use. The proposal allows for the removal of existing 8.1 metre wide by 2.6 metre deep rear extension, and its replacement with a narrower but deeper extension measuring 5.7 metres wide by 3.3 metres deep, which would have rendered elevations, a slate roof and conversation style rooflights.

Two intermediate floors would be inserted into the building. The scheme proposes a 1 bedroom apartment above the community space, with an area of 60 square metres.

The western wing of the building would be subdivided to form 2 apartments across three floors, both containing three bedrooms. The apartment to the south side of building would have an area of 121 square metres, and the apartment to the north side of the building would have an area of 95 square metres.

The proposal allows for one additional window opening, to the ground floor community space to the east elevation. The proposal indicates that obscure glazing would be used to cover mask the proposed intermediate floors where they cross the large existing window openings to the former school rooms. Existing high level timber louvred grilles are proposed as being replaced with windows to the north and south elevation. The existing dormer windows to the west elevation which are currently blocked up are proposed as being opened up with new casement windows fitted. The roof is proposed as being re-slatted.

A flat roofed storage building is proposed within the rear courtyard, built up against the existing concrete block western boundary wall, which would contain a separate bin store, recycling store and bicycle store for each dwelling. The proposed building measures 8.7 metre long and varying in depth from 1.0 metres to 1.9metres, with an eaves height of 1.0 metres. The outbuilding would have vertical timber clad elevations and a grey single ply membrane roof.

No changes are proposed to the external space to the rear of the building other than the installation of the store. The proposal includes a total of 10 parking spaces for both the apartments and the community use.

### Analysis

The principal issues for consideration are the principle of the change of use and the impact of the proposal on the character and appearance of the conservation area.

### Principle of Development

The site is within the Built Up Area Boundary (BuaB) of Ottery St Mary, where Strategy 6 (Development Within Built-up Area Boundaries) applies. Its provisions permit growth and development within BuABs subject to various criteria being met.

Ottery St Mary and West Hill Neighbourhood Plan Policy NP12: Appropriate Housing Mix lends support for developments delivering smaller 1, 2 and 3-bedroom homes suitable for occupation by families and/or elderly people. The neighbourhood Plan also recognises that a limited supply of smaller and cheaper homes makes it difficult for young people to get onto the housing ladder in the Neighbourhood Plan Area and could have the impact of forcing young adults and families to move elsewhere, which is detrimental to social balance and vibrancy.

Policy NP17 of the Ottery St Mary and West Hill Neighbourhood Plan states that 'Proposals that will result in either the loss of Community Facilities of Value or significant harm to Community Facilities of Value will be strongly resisted'. Unlike the previously refused 20/1985/FUL scheme for the same building, which proposed the total loss of the community facilities, the current proposed scheme allows for the retention of 75 square metres of the existing community use.

The application also needs to be considered in the light of East Devon's housing land supply position. As a result of the publication of the revised National Planning Policy Framework on 12 December 2024, the housing land supply position now stands at 2.97 years.

As such in the absence of a 5 year housing land supply, the tilted balance (as at NPPF Para 11d) in favour of sustainable development applies and permission for development proposals should be granted unless the application of policies within the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places.

The NPPF at Paragraph 14 states: In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).

The Ottery St Mary and West Hill Neighbourhood Plan was 'made' on 21st July 2018 and thus became part of the development plan over five years prior to the decision being made on this application. The Neighbourhood Plan does not contain any specific policies or allocations in respect of the housing requirement.

The proposal would allow for the creation of three new dwellings within an existing settlement, as well as retaining an element of the existing community use. Ottery Larder who currently rent the space have confirmed that they currently only operate out of the hall proposed for retention, and therefore have no objection to the proposal to convert the remaining space to a residential use. The food bank have also



confirmed they would like to stay in the building following completion of the work, as the location is highly accessible for their customers. Subject to an assessment of the proposal against the other relevant criteria including the impact on the character of the site, issues of residential amenity, highways and ecological impacts, the principle of development is considered to be acceptable in line with Local Plan Strategy 6, emerging Local Plan Strategic Policy SP05: Development inside Settlement Boundaries, and Neighbourhood Plan Policy NP12: Appropriate Housing Mix.

#### Design impact on character of site and the conservation area

This former schoolhouse derives its significance from its distinctive and imposing Victorian architecture, decorative architectural features and high quality materials. The building's historical and communal value, through its former use as a boys' school adds further value to the significance of the Conservation Area.

The principal changes proposed to the building in the course of the change of use of the building are to the existing windows, and the proposed extension to the rear of the building.

The proposed first floor would cut across the large stone mullioned window to the street / north facing elevation of the building. The proposal indicates the use of obscured glazing to screen where new floor levels cross through large windows and the proposed partitions between bedrooms 1 and 2 to apartments 2 and 3 sit inline with the stone mullions.

The drawings do not state the material of the proposed replacement windows and doors therefore further details would be required by condition should the scheme be recommended for approval on respect of the proposed materials.

No details have been submitted with the application in respect of the location of proposed utility meter boxes, flues or extract vents. It is recommended that these are kept to a minimum and sited either inside the building where possible or in discreet locations on the building. Further details in respect of any meters, flues and vents would therefore be required by way of condition, as well as information in respect of proposed rainwater goods and the proposed specification for the re-slating of the building.

The demolition of the existing extension to the rear of the building is supported as the current extension does not add any value to the building. The proposed extension is less wide and better respects the proportions of the existing building, and proposes higher quality materials which would enhance the appearance of the building.

Overall, with the required conditions in place to ensure the quality of the finished proposal, the proposed scheme would continue to preserve the character and appearance of the Ottery St Mary Conservation Area, and would have a positive impact through ensuring the long term viability of the building. The proposal therefore complies with Local Plan policies D1 - Design and Local Distinctiveness, EN10 - Conservation Areas, neighbourhood Policies NP2: Sensitive, High Quality Design,

NP22: Ottery St Mary Conservation Area and draft Local Plan Strategic Policy DS01: Design and local distinctiveness and Policy HE03: Conservation Areas.

### Landscape Impact

The scheme does not propose any improvements to the area of hardstanding to the rear of the existing building. A number of neighbour comments received relate to the poor level of residential amenity for future users of the building however at present the local plan does not have any specific requirement in respect of the provision of external amenity space.

Emerging local plan Policy HN06: Sub-dividing or replacing existing buildings and dwellings requires proposals to provide adequate space for bicycle storage; and adequate external area for amenity and private use, car parking, waste/recycling storage and for any shared use area such as outdoor drying of washing.

The external space to the rear of the building is relatively spacious and enjoys a south facing aspect and the existing Chert stone walls to the south and west boundaries of the site which are noted in the conservation area appraisal as a feature of special importance. The space would also have to provide 10 parking spaces.

Further detail would be required by way of condition in respect of a landscaping scheme for the rear playground, detailing delineation between the proposed vehicle parking and amenity areas for residents. As such the proposal would comply with Local Plan policy D2 - Landscape Requirements and draft Local Plan Strategic Policy OL01: Landscape features.

### Residential / Neighbour Amenity

The proposed change of use of the building would not change the massing or size of the building but the introduction of intermediate first and second floors within the building does mean that windows within the building that were previously at high levels above floor level now have the potential to lead to overlooking of adjacent properties.

To the west of the building, the two dormer windows to the roof slope are currently 5.7 metres above floor level. However, under the proposed scheme these would become bedroom windows and would sit just 0.15 metres above second floor level. These windows sit approximately 1.5 metres from the property boundary and would lead to overlooking of the neighbouring house and garden at No. 10 Yonder Street. As such it is considered appropriate to impose a condition requiring these windows to be fitted with obscure glazing to prevent overlooking. Both of the bedrooms in question have windows facing south in Unit 2 and north in Unit 3 and therefore will still have a view out either across the rear playground space or across Yonder Street respectively .

In addition, there are a number of windows to the east elevation which sit approximately 2.7 metres from existing dwellings which extend south from Yonder Street to the east of the site. The existing ground floor windows to the east of the

community space are already obscured with the glazing having been painted. The existing large window to the east elevation would become one of two windows from the main living area of Apartment 1. Again, it is considered given the proximity of these existing and proposed rooms to existing habitable rooms adjacent to the site that these windows to be fitted with obscure glazing to prevent overlooking. In all of the instances where obscure glazing is proposed, the rooms have other windows where future residents would have a view out without overlooking adjacent properties.

Other north facing windows within the proposed scheme are at a sufficient distance from properties along the northern edge of Yonder Street so as not to have any adverse impacts upon residential amenity. South facing windows are a minimum of 20 metres away from the site boundary so there would be no overlooking to the south of the site.

The proposed apartments all provide accommodation with areas in excess of those required by the Nationally Described minimum space standards. Ample provision has been made within the rear playground area for refuse, recycling and bicycle storage areas.

The applicant has provided clarity in respect of the headroom and floor area to the proposed second floor of Apartments 2 and 3 in response to a comment received upon the proposal. The second floor bedrooms comply with both the floor space requirements in minimum widths contained within the Nationally Described minimum space standards.

Draft local plan Policy HN04: Accessible and adaptable Housing requires 100% of all new dwellings to meet Building Regulations standards M4 (2) requirements for accessible and adaptable dwellings. Given the constraints of the existing building, the proposal would likely not meet this standard however only limited weight can be given to emerging policy at this stage.

Environmental Health have commented on the application and have requested that the detailed design of the scheme ensures that sound attenuation between party walls and party floors between the residential units and the community facilities are in excess of the requirements under Approved Document E of the Building Regulations, to protect the amenity of future occupiers.

In addition, Environmental Health have requested a condition on any approval to restrict working hours, to protect the amenity of existing residents in the vicinity of the site. They have also requested the applicant consults and follows the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

With the required conditions in place, the proposal would comply with Local Plan Policy D1 - Design and Local Distinctiveness and draft Local Plan Strategic Policy DS01: Design and local distinctiveness.

#### Highways, access and parking

No alterations are proposed to the existing vehicular access to the rear of the site, which sits to the east of the building. There are no changes proposed to the overall number of parking spaces provided. The building currently has 10 parking spaces, four of which would be retained for the commercial element and six would be provided for the residential element. 6 cycle spaces are proposed, which is in excess of the requirements of local plan policy TC9 - Parking Provision in New Development which requires one space per dwelling. Emerging local plan policy requires 1 bicycle space per bedroom therefore the proposal falls slightly short of this standard but only limited weight can be given to emerging policy. The site is located centrally within Ottery St Mary such that facilities could be accessed on foot.

As stated previously, a condition would be imposed requiring further details of the proposed parking layout within the rear former playground space, however it is considered that the space is large enough to accommodate the proposed spaces.

With the required condition in place, it is considered that the proposal complies with Local Plan Policies TC2 - Accessibility of New Development, TC7 - Adequacy of Road Network and Site Access and TC9 - Parking Provision in New Development, and with draft Local Plan Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport and Policy TR04: Parking standards.

#### Ecology / biodiversity

The application is supported by an Ecological Impact Assessment. The ecologist had previously undertaken emergence surveys on the building in 2015 and 2020, and on both occasions up to two common pipistrelle bats were seen to emerge from the eaves of the north-east dormer of the main building. Further emergence surveys were undertaken during May 2024 and despite no bats have been seen emerging during the May 2024 surveys, the building is still considered to be a common pipistrelle bat day roost. The outhouse is considered to be of negligible suitability for roosting bats and no nesting birds or signs of nesting birds were found in or around the main building or the outhouse.

Re-roofing the main building could result in bats being disturbed, injured or killed during works and, in the absence of appropriate mitigation, would result in the destruction of a common pipistrelle bat day roost. The proposed re-roofing of the main building would therefore require a European protected species licence (EPSL) from Natural England once planning permission has been granted. The report recommends that the removal of the existing roof covering is undertaken under an ecological watching brief to ensure no bats are killed or injured.

In addition, the report recommends that prior to any work commencing, a bat box suitable for use by crevice dwelling bats is installed on the east elevation of the building in order that any bats found may be safely relocated.

Further provision is made for roosting bats within the roof of the dormer window to the north east elevation, between the slates and the roof lining of the window. The report also makes recommendations in respect of the specification of the proposed re-roofing works such as ensuring type 1 F roofing felt is used in lieu of modern

breather membranes which pose an entanglement risk, and in terms of using a mortar bedding to ridge tiles. Recommendations are also made in respect of internal and external lighting specification to reduce light spill on site.

Draft Local Plan Policy PB07 (Ecological enhancement and biodiversity in the built environment) requires proposals to incorporate ecological enhancements. Alongside the proposed bat box and dormer roof roosting provision, the proposal also includes for three swift nest boxes be fitted to the building at eaves height, therefore the proposal would also comply with emerging local plan policy.

In respect of the required protected species license, Natural England can only issue a licence if the following tests have been met:

- the development is necessary for preserving public health or public safety or other imperative reasons of overriding public interest;
- there is no satisfactory alternative; and
- the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

Whilst decision makers should have regard to the 3 tests above it should be noted that the LPA is not expected to duplicate the licensing role of NE. An LPA should only refuse permission if the development is *unlikely* to be licensed pursuant to the derogation powers *and* Article 12 of the Habitats Directive was likely to be infringed.

In terms of public interest this proposal as a matter of principle accords with the national level of significantly boosting housing supply from which some economic and social benefits could accrue. Alternative scenarios are not easily discernible. Given what has been reported for this site (see above), the fact suitable mitigation measures are proposed there is no reason why a license would not be issued (if one would be needed) or why Article 12 would be infringed.

Consequently, there is no reason to suggest that, from the LPA's perspective, the proposal would be likely to offend article 12 of the Habitat Directive or that a licence would be withheld by Natural England as a matter of principle.

The recommendations of the ecology report shall be conditioned as part of any approval to ensure that the works are carried out in accordance with the requirements of the report. With the required condition in place the proposal would be in compliance with policy EN5 of the adopted Local Plan, Policy PB03 Protection of irreplaceable habitats and important features and Policy PB07 Ecological enhancement and biodiversity in the built environment of the emerging draft Local Plan.

### Biodiversity Net Gain

The application site consists of the building, the hard surface to the rear courtyard, and the access driveway to the east of the site. The building sits immediately to the rear of the pavement line along Yonder Street. These sealed surfaces would all be assigned a 'zero' score within the statutory biodiversity metric calculations and as

such it would not be possible to achieve a 10% uplift in biodiversity net gain across the site. As such the proposal would be exempt from the provisions of biodiversity net gain.

### 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.

### Other matters

There are no trees on or near the application site. Foul drainage would be dealt with via mains sewer and as the existing roof area would be unchanged, surface water would also continue to be disposed of via mains sewer. The site is in flood zone 1 therefore there are no concerns in respect of flooding and there are no listed buildings in the vicinity of the site that could be impacted by the proposal.

A neighbour comment has been received in respect of access for the creation of new window openings and for future maintenance. The windows in question are existing dormer windows and the scheme proposes reinstatement of the casement windows to the dormers. As such this would be considered to be maintenance. Access to neighbouring land would not be covered under planning legislation but other legislation exists which would allow the applicant to access their neighbour's land for the purposes of carrying out maintenance, renovation or repair of the building if the deeds do not allow a right of access.

### Summary / Conclusion

The proposed development would accord with the development plan in all aspects with the exception of the loss of some of the community use floorspace. The

community use is protected by the Neighbourhood Plan, however that plan is over five years old. Applying the tilted balance, it is considered that as some community floorspace is being retained, the adverse impacts of the development do not significantly and demonstrably outweigh the benefits of delivering additional housing and the proposal would ensure the historic building has a long term viable use.

With the recommended conditions in place to ensure the quality of the finished scheme, the proposal would continue to preserve the character and appearance of the Ottery St Mary conservation area and complies with policies contained within the East Devon Local Plan, the Ottery St Mary and West Hill Neighbourhood Plan, and the Draft East Devon Local Plan and is therefore recommended for approval, subject to conditions.

### **RECOMMENDATION**

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. Prior to their installation, details of the proposed replacement windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. Details shall include elevation drawings (at 1:20 scale) and section drawings (at 1:5 scale). The works shall be carried out in complete accordance with the approved details and shall be retained thereafter.

(Reason - To ensure materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness), Policy EN9 (Development Affecting a Designated Heritage Asset) and Policy EN10 (Conservation Areas) of the Adopted East Devon Local Plan 2013-2031, Policy NP2 (Sensitive, High Quality Design) and Policy NP22 (Ottery St Mary Conservation Area) of the Ottery St Mary and West Hill Neighbourhood Plan 2017 - 2031 and Strategic Policy DS01 (Design and Local Distinctiveness) and Policy HE03 (Conservation Areas) of the Draft East Devon Local Plan 2020 - 2042.)

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

- New rainwater goods including profiles, materials and finishes.
- External vents, flues and meter boxes.
- Details of proposed natural slates, ridge tiles, and fascia boards to include the method of fixing of the slates.

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

(Reason: In the interests of the architectural and historic character of the conservation area in accordance with Policy D1 (Design and Local Distinctiveness), Policy EN9 (Development Affecting a Designated Heritage Asset) and Policy EN10 (Conservation Areas) of the Adopted East Devon Local Plan 2013-2031, Policy NP2(Sensitive, High Quality Design) and Policy NP22 (Ottery St Mary Conservation Area) of the Ottery St Mary and West Hill Neighbourhood Plan 2017 - 2031 and Strategic Policy DS01(Design and Local Distinctiveness) and Policy HE03(Conservation Areas) of the Draft East Devon Local Plan 2020 - 2042.)

5. The development shall be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Impact Assessment carried out by Richard Green Ecology dated August 2024.

(Reason - In the interests of ecology in accordance with Policy EN5- (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031 and Policy PB03 (Protection of irreplaceable habitats and important features) and Policy PB07(Ecological enhancement and biodiversity in the built environment) of the Draft East Devon Local Plan 2020 - 2042.)

6. 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 community facilities and the residential development with the airborne sound insulation performance designed to achieve, as a minimum, a 10dB increase in 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 community facilities. 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 prior to occupation 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 and Strategic Policy DS01(Design and local distinctiveness) and Policy OL09 (Control of pollution) of the Draft East Devon Local Plan 2020 - 2042.)



- 7 Prior to the occupation of the development hereby permitted, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should give details of the proposed hard surfacing, parking layout, provision for an external residential amenity area and turning areas. The landscaping scheme, provision of external residential amenity area and parking areas shall be implemented prior to the occupation of the development and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority. The car parking spaces shall be made available for the occupiers of the flats and users of the community space, and the amenity area shall be made available to occupiers of the flats hereby approved, in accordance with the submitted details prior to the occupation of the development and shall be maintained at all times thereafter for the lifetime of the development.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity, to preserve and enhance the character and appearance of the area and to ensure adequate parking provision in accordance with Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements), Policy EN10 (Conservation Areas), and Policy TC9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy DS01 (Design and local distinctiveness), Strategic Policy OL01 (Landscape features), Policy HE03 (Conservation Areas) and Policy TR04 (Parking standards) of the Draft East Devon Local Plan 2020 – 2042.)

- 8 No works for the construction of the development hereby permitted shall be undertaken on Sundays or Public Holidays. On other days no construction work shall be undertaken outside of the following hours: 08:00 hours and 18:00 hours Mondays to Fridays inclusive and 08:00 hours and 13:00 hours on Saturdays. There shall be no burning on site.

(Reason - To protect adjoining occupiers from excessive noise in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031 and Policies DS01 (Design and local distinctiveness) and Policy OL09 (Control of pollution) of the Draft East Devon Local Plan 2020 - 2042.)

- 9 Prior to occupation of the development hereby approved the bin storage shall be provided in accordance with the submitted details. The bin storage shall be maintained at all times thereafter.

(Reason: To provide adequate facilities for refuse, recycling and household waste in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy DS01 (Design and local distinctiveness) of the Draft East Devon Local Plan 2020 - 2042.)

- 10 Prior to occupation of the development hereby approved the bicycle storage shall be provided in accordance with the submitted details. The bicycle storage shall be maintained at all times thereafter.

(Reason: To provide adequate parking for bicycles in accordance with Policy TC9 - Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport and Policy TR04: Parking standards of the Draft East Devon Local Plan 2020 - 2042.)

- 11 Before the development hereby permitted is occupied the windows to the east and west elevations shall have been glazed with obscure glass to Pilkington level 4 or equivalent standard and the obscure glazing of these windows shall thereafter be retained at all times. If to be opening, the windows shall be permanently fixed with a restrictor preventing opening wider than 10cm.

(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031 and Strategic Policy DS01 (Design and local distinctiveness) of the Draft East Devon Local Plan 2020 - 2042.)

12. The ground floor of the building indicated as 'community facility' on drawing number 3877/01, Ground Floor Plans, hereby approved, shall be retained in perpetuity for the use of the community as a food bank or other community use previously agreed in writing with the Local Planning Authority and shall not be used for any other purpose.

(Reason: In order that the Council may be satisfied about the details of proposal in accordance with Policy NP17: Community Facilities of Value of the Ottery St Mary and West Hill Neighbourhood Plan 2017 - 2031.)

13. The internal alterations and internal finish of the community facility and the extension to provide the utility area and toilet to serve the community facility shall be completed and made available for use in association with the community facility prior to occupation of any dwelling unit hereby approved.

Reason: To ensure the community facility is provided in accordance with the approved plans in accordance with Policy NP17: Community Facilities of Value of the Ottery St Mary and West Hill Neighbourhood Plan 2017 - 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 works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

### Biodiversity Net Gain

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption 4.2 from the list below is considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or

(ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

(i) the application for planning permission was made before 2 April 2024;

- (ii) planning permission is granted which has effect before 2 April 2024; or
- (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Plans relating to this application:

3877/03 rev B: Second floor	Combined Plans	20.02.25
	Location Plan	10.12.24
3877/07: Site Plan and Bin Store	Other Plans	10.12.24
3877/04: Roof plan	Combined Plans	10.12.24
3877/02: First floor	Combined Plans	10.12.24
3877/05: North & East	Combined Plans	10.12.24
3877/06: South & West	Combined Plans	10.12.24

List of Background Papers

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

**Technical Consultations**

Parish/Town Council

Town Council Comments;

The Town Council do not support this application based on the following;  
Residential use would result in significant harm to this Community Facility of Value -  
Policy NP17 of the Neighbourhood Plan

The building is of special architectural and historic interest and plays an important  
part of the Towns fabric

Environmental Health

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 community facilities and the residential

development with the airborne sound insulation performance designed to achieve, as a minimum, a 10dB increase in 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 community facilities. 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.)

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

Reason: To protect the amenities of existing residents in the vicinity of the site from noise, air, water and light pollution.

Ottery St Mary - Cllr Peter Faithfull

This application includes development in the roof space of the Old Boy's School. There is no indication of how the floor area is impacted by the slope of the roof. As the minimum space standards only includes floor space of 1.5m, can we please have these details included in appropriate plans.

Kind regards  
Peter

## **Statement on Human Rights and Equality Issues**

Human Rights Act:

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

Equality Act:

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