

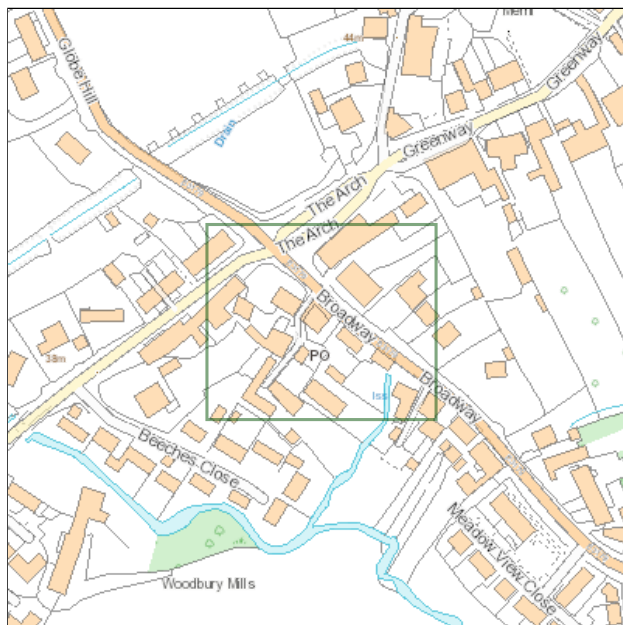
**Ward** Woodbury And Lymestone

**Reference** 23/0310/FUL

**Applicant** Mr Nalin Chouhan

**Location** The Post Office Broadway Woodbury Exeter  
EX5 1NY

**Proposal** Erection of attached dwelling.



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 18.07.2023</b>
<b>Woodbury And Lympstone (Woodbury)</b>	<b>23/0310/FUL</b>	<b>Target Date: 14.04.2023</b>
<b>Applicant:</b>	<b>Mr Nalin Chouhan</b>	
<b>Location:</b>	<b>The Post Office Broadway, Woodbury</b>	
<b>Proposal:</b>	<b>Erection of attached dwelling.</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is before members of the Planning Committee because the view of officers differs to that of the Ward Councillor.**

**This site has been the subject of previous planning permissions for an attached dwelling and this proposal differs only slightly from previous approvals insofar as the width of the building has been reduced to address party wall issues and the internal layout been updated.**

**The proposed dwelling would be constructed on a brown field site on a service yard for the Post Office and would be attached to the Post Office building. The design and scale of the dwelling would continue to be sympathetic to the historic character and appearance of this part of the Conservation Area and would provide a three bedroom dwelling in the heart of the village which is considered to be sustainable with good access to a primary school, shops and public transport. The benefits of a dwelling in this location would make a modest contribution to the Council's 5 year housing land supply without the need to develop in the countryside.**

**Whilst the proposal does not meet the policy requirement of TC9- Parking Provision in New Development for two on-site car parking spaces for a dwelling of this size which weighs against the proposal, it is considered that owing to its location within the heart of the village, coupled with the unrestricted parking at the nearby Arch and the site's access to public transport links, services and facilities that it would be difficult to sustain an objection on these grounds.**

**The application is considered to be acceptable in terms of its impact on the character and appearance of the area and heritage assets, its relationship with and impact upon the residential amenities of the occupiers of surrounding properties, its impact on flood risk, arboriculture and highway safety.**

**In this case, notwithstanding the failure to provide the policy requirement of two car parking spaces for the dwelling, officers are of the opinion that the benefits to derived from the provision of a new 3 bedroom home in the sustainable heart of the village and lack of harm to the character and appearance of the Conservation Area outweighs the proposal's conflict with policy TC9 of the Local Plan in the overall planning balance. It isn't considered that there would be any harm to be derived from the proposal that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.**

**The application is therefore recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

Woodbury And Lympstone - Cllr Geoff Jung  
23/0310/FUL

I have viewed the further information for 23/0310/FUL for the erection of attached dwelling at the Post Office Broadway Woodbury.

I previously stated that the application shows that it requires access off an adjoining lane to provide the only vehicle parking and there is doubt if this is acceptable, by the present owners. The further documentation has unfortunately not demonstrated that access to this new property is lawful Therefore I am unable to determine this application at this time. However, I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Woodbury And Lympstone - Cllr Geoff Jung  
23/0310/FUL

I have viewed the documents relating to the planning permission 23/0310/FUL for the erection of attached dwelling at the Post Office Broadway Woodbury. There was a previous planning permission that was approved some 4 years ago but was not started. Therefore, there is presumption that of development on this site is acceptable.

I understand there is a legal issue related to the access from the lane to this new dwelling. This relates to the ownership of various residents off this lane who have permission for vehicles to access to their properties off this lane. Because this is a new proposed dwelling and therefore there is no automatic right of vehicle access to this new proposed separate property. However, this is not a planning matter, but a legal issue between the various owners of properties.

Seeing the application requires access off the lane to provide the only vehicle parking available and this is now in doubt I am unable to determine this application at this time.

Therefore, I cannot support this application at this time however, I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Woodbury And Lympstone – Cllr Ingham 1/7/23

I recommend this planning application for approval. The officer's assessment is valid and compliant, plus the application meets planning policy requirements

Parish/Town Council

Woodbury Parish Council does not support this application.

Our reasons are as previously submitted that the proposal is an overdevelopment, as well as not being suitable for the centre of a conservation area. There is also inadequate parking provision within the immediate area.

Parish/Town Council

Woodbury Parish Council does not support this application.

This proposal is an overdevelopment as well as not being suitable in the centre of a conservation area. There is also inadequate parking provision within the immediate area. Also, uncertain of the right of way access, along with concerns with the safety of the proposed front door due to traffic and cars parking.

**Technical Consultations**

Conservation

CONSERVATION CONSULTATION ON PLANNING APPLICATION AFFECTING THE SETTING OF A CONSERVATION AREA.

23/0310/FUL

The Post Office, Broadway, Woodbury, Exeter, EX5 1NY

Erection of attached dwelling

I refer to the above application and your recent re-consultation. The Conservation Team has no additional comments to those already made, on 28 March 2023.

21.06.2023 SLG

Conservation

CONSERVATION CONSULTATION ON PLANNING APPLICATION AFFECTING THE SETTING OF A CONSERVATION AREA.

23/0310/FUL

The Post Office, Broadway, Woodbury, Exeter, EX5 1NY

Erection of attached dwelling

Significance

The Post Office is located on Broadway, a main traffic route, where there are some good buildings of various dates, the aesthetic merit of which contributes to the immediate setting of the post office and surrounding conservation area, which is of predominantly late 18th to early 20th century buildings.

In summary, the late 18th to early 20th century buildings including Siddons House, are well proportioned redbrick buildings, within prominent locations that make a positive contribution to the historic and architectural character and appearance of the surrounding conservation area.

#### Proposed works

The works as proposed through this application is for the erection of an attached dwelling to the southern gable end of Woodbury Post Office

#### Historic background

The proposal to infill between Siddons and the Post Office with an attached dwelling, was subject to a previous planning application approval 04/P1635. The location, mass, scale, design and use of materials being similar to, that proposed through the current application.

"..... The approach is broadly acceptable. The front elevation emulates the language of the post office building while retaining a visual separation by having a lower ridge level and first floor sills. This helps maintain the symmetry of the first floor of the post office.

The rear elevation..will have a limited impact upon the conservation area and street scene..."

Subsequent to which, there was an approved planning application (16 /2230/FUL) on the site for a new attached dwelling. However due to the length of time that has passed from approval and modifications for Party Wall information it was felt that it was best to submit a new Full Planning Application.

#### Assessment of harm

The proposal as per the previous planning application is for an attached three bedroom dwelling, its general footprint, style, amenity space and off street parking all remain the same as what was previously approved through 16 /2230/FUL.

The width of the building has however been reduced slightly from what was and the internal layout been updated.

In summary the mass scale and design of the proposed attached dwelling to post office, would continue to preserve the historic and architectural character and appearance of the surrounding conservation area.

Recommend approval subject to conditions

#### Conditions

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

- a. Roofing materials including product details, sample and method of fixing.
- b. Size, type and manufacturers model of conservation roof lights, including method of flashing.
- c. New rainwater goods including profiles, materials and finishes.
- d. New windows including sections, mouldings, profiles and paint colour.

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

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

- f. Eaves and verge details including construction and finishes.
- g. External vents, flues and meter boxes.
- h. Sample of new bricks including mortar colour and specification and bond type.

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 building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

28.03.2023

SLG

DCC Historic Environment Officer

The proposed development lies within the historic core of Woodbury village and in an area shown on the mid-19th century Tithe Map as containing buildings that are on a different alignment that predate the extant buildings. These buildings appear to have been demolished some time in the 20th century. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team 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/>.

#### Environment Agency 15/06/2023

I've had a look at the planning applications and spoken with one of our flood engineers regarding this site. I can confirm that our position is unchanged for this proposal and there is still a requirement that the floor levels of the dwelling are raised to 450 mm, this is to ensure the safety of the development from flood risk over its lifetime. If the applicant wishes to submit an amended FRA, it would be up to you to review this and consider whether the proposal was appropriate given the level of flood risk at the site.

#### Other Representations

8 letters of objection have been received at the time of writing this report raising concerns which can be summarised as:

- Impact on Conservation Area
- Parking inadequate
- Will remove safe parking area for the Post Office
- Over-development of the site
- Misleading statements in the planning application- the drive is not a service road
- The access road is a private driveway
- Impacts during construction and access to driveway and properties
- Impact on Silver Birch tree

2 letters of support have been received.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
16/2230/FUL	Erection of attached dwelling	Approved with conditions	13.03.2017

### **POLICIES**

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

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN21 (River and Coastal Flooding)

D3 (Trees and Development Sites)

EN7 (Proposals Affecting Sites Which May Potentially Be of Archaeological Interest)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

#### Government Planning Documents

National Planning Practice Guidance



### **Site Location and Description:**

The site refers to an area of land to the side of Woodbury Post Office which occupies a prominent roadside position within the heart of the village. It is located on Broadway where there are a number of buildings of various dates however the aesthetic merit attached to the built form contributing to the immediate setting of the Post Office is predominantly late 18th to early 20th century buildings which includes the Post Office which is an attractive redbrick building which together with Siddons House make an attractive pair which make a positive contribution to the character and appearance of the Woodbury Conservation Area. The site is within the built-up area boundary of Woodbury, within the Woodbury Conservation Area. Broadway House and Ballymans are properties nearby which are grade II listed.

### **Planning History:**

Planning permission was granted in 2017 (ref 16/2230/FUL) for the erection of an attached dwelling. It is understood that this planning permission was not implemented and expired on the 13th March 2020.

### **Proposed Development:**

This application seeks planning permission for the construction of an attached two storey dwelling on land between Siddons and the Post Office. The proposed dwelling would be two stories with a pitched roof design and its front elevation would emulate the architectural detailing and form of the post office building to which it will be attached. It would have a front projecting bay window at ground floor level and its ridgeline would step down from the Post Office building. There would be roof lights on the front and rear roof slopes of the building and a large dormer window on the rear which would serve an en-suite. The dwelling would be constructed from natural face brick for the walls under a natural slate roof. Windows and doors would be white painted timber.

The dwelling would be accessed off of Broadway via a shared private drive where a single car parking space would be provided at the rear of the Post Office. A small private amenity area would be provided at the rear of the proposed dwelling.

### **Issues and Assessment:**

The main issues to consider in determining this application are in terms of the principle of development, the design, size and siting of the proposed dwelling and the impact it would have on the character and appearance of the Woodbury Conservation Area and listed buildings, the archaeological impact, the impact on the residential amenities of the occupiers of surrounding properties, the suitability of the access and parking provision and the impact this would have on highway safety, the implications for flood risk and the arboricultural impact.

## **ANALYSIS**

### **Five Year Housing Land Supply:**

The Council is required under the NPPF to maintain a 5 year housing land supply. Annual monitoring of the housing supply position revealed that as of September 2022, the Council is unable to demonstrate a 5 year housing land supply position with supply standing at 4.68 years.

Under government policy if an authority cannot demonstrate a 5 year housing land supply then the presumption in favour of sustainable development will apply as set out in paragraph 11d of the National Planning Policy Framework. This states:

"(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

The main test in determining this application relates to whether the adverse impacts of granting planning permission for the proposed dwelling would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

### **Principle of Development:**

The site is located within the heart of the village of Woodbury, a village which is considered to offer the range of services and facilities and access to public transport suitable for small scale housing growth as identified in Strategy 27 of the Local Plan. Whilst built-up area boundaries do not at present carry any weight because of the 5 year housing land supply issue, the principle of development in this location is considered to be acceptable on the basis that the site would be sustainably located within the village. At the time of not having a 5 year supply of housing, it is considered that great weight should be given to the fact that this proposal would make a modest contribution to the Council's land supply, on a brown field site and within the heart of the village without the need for incursion to the countryside.

### **Character and Appearance and Heritage Impact:**

The Post Office is located on Broadway, a main traffic route, where there are some good buildings of various dates, the aesthetic merit of which contributes to the

immediate setting of the post office and surrounding conservation area, which is of predominantly late 18th to early 20th century buildings. Broadway House and Ballymans are properties nearby which are grade II listed.

The Post Office as a 20th Century building together with Siddons House are well proportioned redbrick buildings, in that their use of material, proportions and prominent roadside location make a positive contribution to the historic and architectural character and appearance of the surrounding Conservation Area.

The space at the side of the Post Office in which the dwelling is proposed has previously served as a service yard for the post office and shop where it has been used for storing bins and crates which are not particularly appropriate for the Conservation Area. A proposed dwelling in this space would therefore be beneficial in tidying up the site which would see the removal of the bins and which would positively enhance the character and appearance of the area.

The Council's Conservation Officer has considered the proposal and has advised that the mass scale and design of the proposed attached dwelling to post office, would continue to preserve the historic and architectural character and appearance of the surrounding conservation area. The Conservation Officer notes that the proposal to infill between Siddons and the Post Office with an attached dwelling, was subject to a previous planning application approval 04/P1635 and 16/2330/FUL and that the location, mass, scale, design and use of materials are similar to, that proposed through this current application.

The assessment of the previous proposal is considered to be relevant to this application where it was concluded:

*'The front elevation would emulate the language of the Post Office building whilst retaining a visual separation by having a lower ridge level and first floor sills. This would help to maintain the symmetry of the first floor of the Post Office and would ensure that the proposed dwelling would not appear unduly prominent or intrusive within the streetscene'.*

*The rear elevation of the dwelling would be less sympathetic owing to the incorporation of an awkwardly placed dormer which is over-sized but required to provide headroom for an en-suite bathroom within the roof space. The dormer design incorporates hips and would have a slate hanging finish to its cheeks. Whilst the dormer is still on the large size, it is considered that because of its position on the rear, coupled with the amendments that were previously made to its size and design, it would have a very limited impact on the Conservation Area and the streetscene such that it is not considered that it would be harmful enough to refuse the application.*

It remains the case that the proposed dwelling on this infill plot attached to the post office would have a neutral impact on the historic character and appearance of the surrounding Conservation Area and would not result in any harm to the setting of adjacent grade II listed buildings Broadway House and Ballymans. The proposal as per the previous planning permissions granted on this site is for an attached three bedroom dwelling, its general footprint, style, amenity space and off street parking all remain the same as what was previously approved through 16 /2230/FUL. The width

of the building has however been reduced slightly from what was and the internal layout been updated.

Subject to a condition requiring the submission of materials, roof lights to be conservation style flush with the roof, it is considered that the proposal complies with the provisions of Policies EN10 (Conservation Areas) and EN9 (Development Affecting a Designated Heritage asset) of the Local Plan.

### **Archaeological Impact:**

Policy EN7 of the Local Plan states that proposals affecting Sites which may potentially be of Archaeological Importance When considering development proposals which affect sites that are considered to potentially have remains of archaeological importance, the District Council will not grant planning permission until an appropriate desk based assessment and, where necessary, a field assessment has been undertaken.

The County Council's Archaeologist has advised that the proposed development lies within the historic core of Woodbury village and in an area shown on the mid-19th century Tithe Map as containing buildings that are on a different alignment that predate the extant buildings. These buildings appear to have been demolished some time in the 20th century. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team has recommended that 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 a condition is required to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) to ensure 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.

### **Residential Amenity:**

In determining the 2016 application, it wasn't considered that the proposal would result in any significant harm to the residential amenities of the occupiers of surrounding properties.

The proposed dwelling would be positioned immediately alongside Siddons House. This property is separated from the site by a gravelled driveway and has a blank elevation facing the site. Whilst the proposed dwelling would extend to the boundary of the site, as there are no windows on the side elevation of Siddons House, it is not

considered that it would have an unduly harmful impact. The footprint of the proposed dwelling would be such that it would project beyond the rear building of Siddons House. However this would projection would only be 1.5 metres back which whilst it would have a degree of physical impact, given the separation between Siddons House coupled with the existing boundary wall it is not considered that it would have an unduly harmful impact in terms of being overbearing or over dominant to the property or its rear garden to sustain an objection.

Concerns have also been expressed about overlooking and loss of privacy to Siddons House. Whilst the introduction of a two storey dwelling on the site would have an increased impact on the occupiers of Siddons House, this would not result in an usual relationship between properties in a village centre. The first floor windows would serve bedrooms (i.e. rooms that would not be in use at all times of the day) where views towards the rear garden of Siddons House would be at an oblique angle. As such, whilst accepting that the introduction of a two storey dwelling on the site would increase the perception of being overlooked to a degree, it is not considered that this would result in significant harm in planning terms to sustain an objection. The dormer window would serve an en-suite and be obscure glazed which would be controlled by condition.

The proposal would comply with the provisions of policy D1 (Design and Local Distinctiveness) of the Local Plan which requires that proposals do not adversely affect the amenity of existing residents.

### **Parking Provision and Highway Safety:**

Policy TC7 - Adequacy of Road Network and Site Access of the Local Plan states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

As per the previous planning permissions on this site, the proposed dwelling would be accessed via an existing highway access onto Broadway (B3179) the existing vehicular access onto Broadway which leads to a private driveway serving a small number of properties. The existing access affords good visibility in both directions and because the access is located close to a pedestrian crossing, vehicles travelling along the road are likely to be travelling at slower speeds such that it is not considered that additional traffic from the proposed dwelling would give rise to a highway safety issue. The County Highway Authority has raised no objection to the application. The site plan demonstrates that vehicles can be turned on site ensuring they are accessing the B3179 in a forward gear.

Policy TC9- Parking Provision in New Development states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

Strong local concern has again been expressed about the lack of parking provision within the proposal and the existing parking problems in the centre of the village. The

proposal makes provision for one car parking space on land at the rear of the Post Office. Local Plan policy in the form of TC9 states that as a guide 2 car parking spaces should be provided per home with two or more bedrooms. Whilst the provision of 1 car parking space for this development doesn't comply with the requirements of the policy which weighs against the proposal within the overall planning balance, the site is located within the heart of the village with good access to the primary school, shops and public transport such that new occupiers could be less dependent on the use of the car. Furthermore, there is unrestricted parking available in close proximity to the site at the Arch and whilst it is acknowledged that car parking is becoming a problem within the village, for the reasons highlighted above, officer's do not feel an objection could be sustained on the grounds that this development does not make provision for 2 spaces. Whilst two spaces would be preferable it is not considered that lack of parking would give rise to highway safety issues in the village that can be considered severe as per the test within the NPPF.

In this case, whilst the failure to provide 2 on site car parking spaces is regrettable, officers are of the opinion that the benefits to derived from the provision of a new 3 bedroom home in the sustainable heart of the village and lack of harm to the character and appearance of the Conservation Area outweighs the failure to provide two car parking space within the development in the overall planning balance.

#### **Flood Risk:**

The site is located within an area designated as Flood zone 1 however the access to the property is within Flood zone 2 where there is a medium risk of flooding. A recommendation of the Environment Agency on the previous application was to ensure that the floor levels of the dwelling are raised 450mm above the road level so as to ensure that the building is from flooding over its lifetime. The EA have advised that their position on this has not changed and that the 450 mm floor level is required to ensure that the development is safe over its lifetime. Amended plans have been submitted which incorporate the 450 mm raised floor level which would include a ramp at the front of the property to make it accessible for Building Regulations. Subject to a condition which requires the finished floor level of the dwelling to be 450 mm above road level, it isn't considered that the proposal would give rise to any flood risk concerns. The proposal would comply with the provisions of policy EN21 - River and Coastal Flooding of the Local Plan.

#### **Arboricultural Impact:**

Policy D3 - Trees and Development Sites of the Local Plan states that permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard 5837:2012 (or the current revision) will be taken fully into account in addressing development proposals.

Local concern about the impact the development would have on a protected Silver Birch tree which is located on land outside of the site to the south west is noted. However in determining the previous application, the advice of the Council's Arboricultural Officer suggested that because the site is already hard surfaced and because the Silver Birch tree is positioned behind existing boundary walls which effectively act as tree protection barriers there would be no harm to the tree. In addition because the building line would not be extended beyond the building line of the Post Office the works to construct the proposed dwelling would have no impact on the root protection area of the tree. On this basis, the view remains that the development would not adversely affect the health and well-being of the tree and neither would there be any requirements for tree protection details to be conditioned. The proposal would comply with the provisions of policy D3 of the Local Plan.

### **Habitat Regulations Assessment:**

The site is located in close proximity to the Exe Estuary and the East Devon Pebble bed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47- Nature Conservation and Geology of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £367.62 per dwelling which has been secured as part of this application.

### **Other Matters:**

Concerns regarding rights of access of the private driveway that would be used to access the dwelling are considered to be a civil matter between respective parties. The applicant has now notified and served notice the occupiers of the properties who share the access which meets the legal requirements of the planning application. The grant of planning permission does not override the legal issues over rights of access.

### **Planning Balance and Conclusions:**

This site has been the subject of previous planning permissions for an attached dwelling and this proposal differs only slightly from previous approvals insofar as the width of the building has been reduced to address party wall issues and the internal layout been updated.

The proposed dwelling would be constructed on a brown field site on a service yard for the Post Office and would be attached to the Post Office building. The design and scale of the dwelling would continue to be sympathetic to the historic character and appearance of this part of the Conservation Area and would provide a three bedroom dwelling in the heart of the village which is considered to be sustainable with good access to a primary school, shops and public transport. The benefits of a dwelling in this location would make a modest contribution to the Council's 5 year housing land supply without the need to develop in the countryside.

Whilst the proposal does not meet the policy requirement of TC9- Parking Provision in New Development for two on-site car parking spaces for a dwelling of this size which weighs against the proposal, it is considered that owing to its location within the heart of the village, coupled with the unrestricted parking at the nearby Arch and the site's access to public transport links, services and facilities that it would be difficult to sustain an objection on these grounds.

The application is considered to be acceptable in terms of its impact on the character and appearance of the area and heritage assets, its relationship with and impact upon the residential amenities of the occupiers of surrounding properties, its impact on flood risk, arboriculture and highway safety.

In this case, notwithstanding the failure to provide the policy requirement of two car parking spaces for the dwelling, officers are of the opinion that the benefits to derived from the provision of a new 3 bedroom home in the sustainable heart of the village and lack of harm to the character and appearance of the Conservation Area outweighs the proposal's conflict with policy TC9 of the Local Plan within the overall planning balance. It isn't considered that there would be any harm to be derived from the proposal that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application is therefore recommended for approval.

## **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. No part of the dwelling hereby approved shall be constructed until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by



the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and EN10 (Conservation Areas) of the Adopted East Devon Local Plan 2013-2031.)

4. The dwelling hereby permitted shall not be occupied until the access, parking, bin and cycle storage as shown on drawing no D038-22-104 REV A have been provided in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times.  
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access, TC9 (Parking Provision in New Development) and D1 Design and Local Distinctiveness of the Adopted New East Devon Local Plan 2013-2031)
5. In accordance with the details shown on drawing no D038-22-104 REV A, the finished floor ground floor level of the dwelling hereby approved shall be constructed no less than 450mm above the existing road level.  
(Reason: To ensure the safety of the development from flood risk over its lifetime in accordance with policy EN21 (River and Coastal Flooding) of the Adopted East Devon Local Plan 2013-2031 and the flood risk guidance contained within the National Planning Policy Framework).
6. The rooflights indicated on the approved plans shall be of a conservation design flush with the roof, the model specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall thereafter be carried out in accordance with the approved details.  
(Reason - In the interests of preserving and enhancing the appearance of the area in accordance with Policy EN10 - Conservation Areas of the Adopted New East Devon Local Plan 2013-2031)
7. All new windows shall be timber only. Sections of windows and doors through casements, frames and glazing bars at 1:2/1:5 scale and details of finishes (including colour) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall thereafter be carried out in accordance with the approved details.  
(Reason - In the interests of preserving and enhancing the appearance of the area in accordance with Policy EN10 - Conservation Areas of the Adopted New East Devon Local Plan 2013-2031)
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Classes A, B, C or D and E for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.

(Reason - The space available would not permit such additions with detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness and EN10 Conservation Areas of the Adopted New East Devon Local Plan 2013-2031.)

9. Before the dwelling hereby permitted is occupied the rear dormer window on the rear elevation shall have been glazed with obscure glass and the obscure glazing of these windows shall thereafter be retained at all times.

(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted New East Devon Local Plan 2013-2031)

10. 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.

11. 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 in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan.

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

### **Human Rights Act:**

The development has been assessed against the provisions of the Human Rights Act, 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

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities 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.

Plans relating to this application:

D038-22	Location Plan	30.05.23
D038-22-104 A	Proposed Combined Plans	17.05.23
D038-22-103 A	Proposed Floor Plans	17.05.23

List of Background Papers

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