

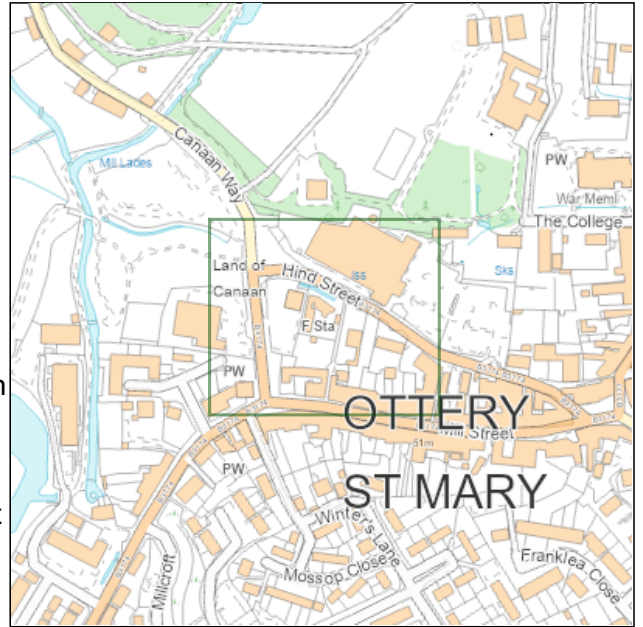
**Ward** Ottery St Mary

**Reference** 23/1153/FUL

**Applicant** Mr Tim Johnson (Ottery St Mary Dental Practice)

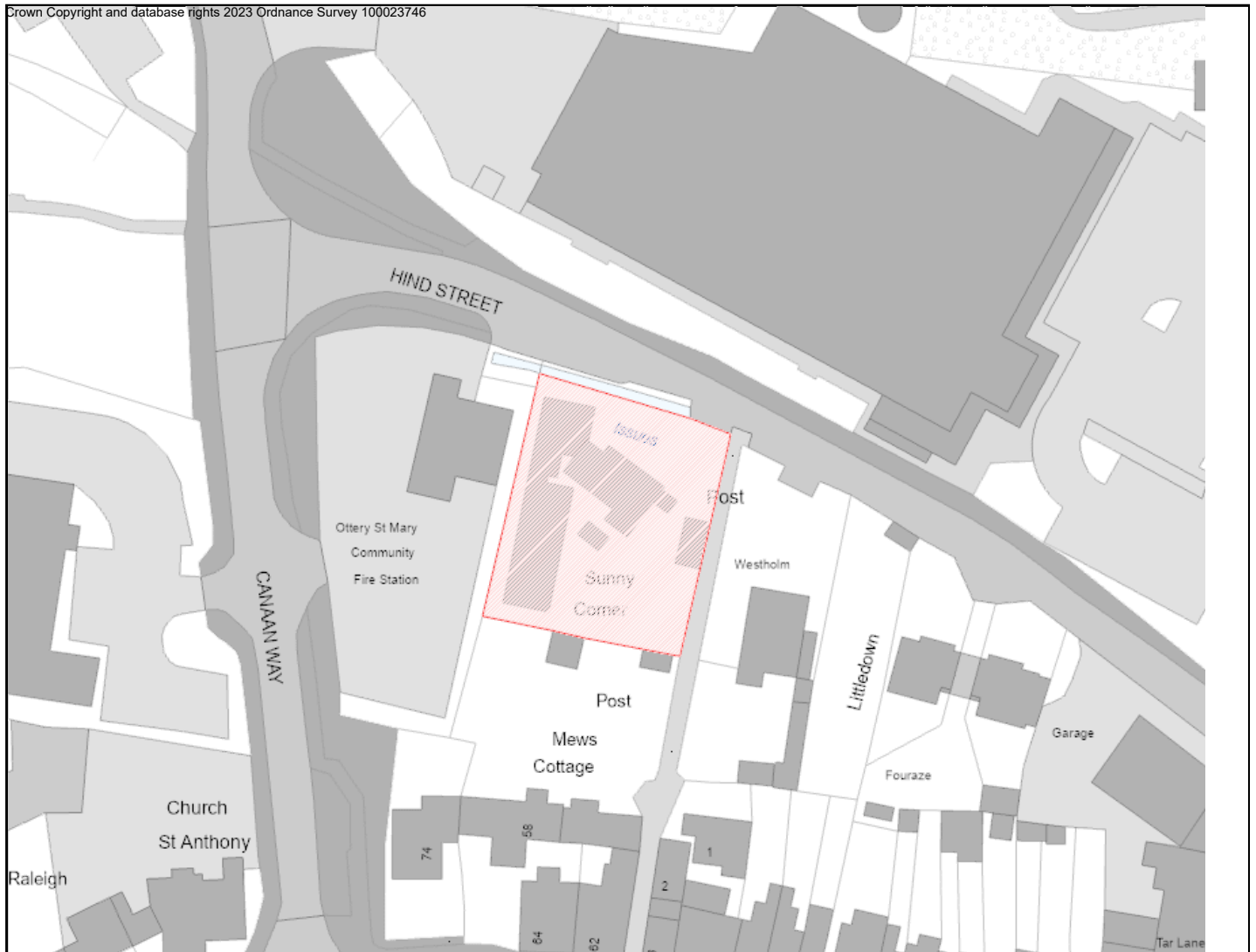
**Location** Sunny Corner Hind Street Ottery St Mary Devon EX11 1BW

**Proposal** Extension to existing dental practice on the east elevation incorporating alteration amendment.



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 19.12.2023</b>
<b>Ottery St Mary (Ottery St Mary)</b>	<b>23/1153/FUL</b>	<b>Target Date: 07.08.2023</b>
<b>Applicant:</b>	<b>Mr Tim Johnson (Ottery St Mary Dental Practice)</b>	
<b>Location:</b>	<b>Sunny Corner Hind Street</b>	
<b>Proposal:</b>	<b>Extension to existing dental practice on the east elevation incorporating alteration amendment.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**Permission is sought for a further extension to an existing dental practice, Sunny Corner, at Hind Street, Ottery St Mary, bordering the boundary with Piccadilly Lane.**

**A previously approved extension is currently at an advanced stage of construction, and this would further extend the building along the eastern boundary of the site.**

**There is limited parking, only for clients with mobility disabilities, but this is a sustainable town centre location close to car parking available for staff and visitors.**

**In providing expanded dental services, improving access to health services and creating jobs within a sustainable town centre location, the further expansion is supported as a matter of principle.**

**A key issue surrounds flood risk, the site being located within Flood Zones 2 and 3 which is defined by the Planning Practice Guidance (PPG) as being areas at risk of river and sea flooding. The application is supported by a Flood Risk Assessment (FRA).**

**Policy and guidance advise a sequential approach will be taken in considering whether development will be permitted in areas subject to flooding.**

**Based on Annex 3 of the National Planning Policy Framework, the flood risk vulnerability classification for the dental practice is considered to be 'Less Vulnerable'. Being less than 250 sqm, a minor non-residential extension is exempt from the sequential test and exception tests.**

**As a commercial rather than residential use, flood events are dealt with by evacuation in advance of the flood. The property should be part of the Environment Agency's Flood Warning Service as this will enable the early evacuation of the building. Flood resilience measures are proposed, to be secured by condition.**

**The site lies within the Conservation Area for Ottery St Mary. There are no Listed Buildings immediately surrounding the site. Policy and guidance aim to ensure proposals preserve or enhance the character of Conservation Areas.**

**The application has been revised from a mono pitch roof to a flat roof. This addresses both visibility within the Conservation Area adjacent to a historic footway, thereby preserving the character of the Conservation Area and footway and amenity concerns in relation to both neighbouring occupiers to the east across Piccadilly Lane, and pedestrian users of Piccadilly Lane. No undue heritage or amenity impacts arise.**

**In summary, expanded dental services will provide a wider community benefit and can contribute positively towards employment and town centre vitality and viability in this sustainable location, which weighs positively in the planning balance. For the reasons explained above, the flood risk and other concerns weigh neutrally or marginally negatively, such that any limited harm arising is significantly outweighed by the benefits in the balance of planning considerations.**

**Accordingly, the application is recommended for approval.**

## **CONSULTATIONS**

### **Technical Consultations**

#### **Conservation**

Holding response

The information provided is very limited and does not have a design and access statement nor heritage statement that takes into account the impact on the conservation area or listed buildings.

At present the application is contrary to NPPF 194

**PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE**

#### **County Highway Authority**

**THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT**

## Environment Agency

The proposed development appears to constitute a non-residential extension, sized less than 250m<sup>2</sup>. As such this should be considered under our National Flood Risk Standing Advice. The northern boundary of the whole site is adjacent to the main river 'Furze Brook'. The proposed extension to the dental practice is located approximately 17m away from the main river and as such is unlikely to impact our ability to access and maintain the watercourse. We therefore have no objections but recommend that you consider the detail of the proposal (e.g. Finished Floor levels, resistance and resilience measures) against the flood risk standing advice.

## Local Consultations

### Ottery St. Mary Town Council

A resident spoke to object against the application.

#### Town Council Comments:

- The Town Council does not support this application based on the following;
- Adverse effect on the conservation area
- Insufficient information and evidence to support the application
- Adverse impact on the neighbouring property Westholme
- Lack of updated flood report
- Lack of parking spaces - previous applications mention 10 spaces
- Clarification not provided for the number of extra staff and hours of opening
- Height of building not clearly stated
- Use of materials not stated
- Loss of green space
- Contrary to Neighbourhood Plan 2013-2031 D1,D2 and EN10
- No rain water harvesting
- Impingement on one of the oldest footpaths in Ottery ' Piccadilly Lane
- 2 x Rowan Ash trees have not been planted as per condition of App 17/1672/VAR
- In each of the previous applications, the Delegated Officer has commented on the amenity of nearby neighbours

### Ottery St Mary - Cllr Bethany Collins

I object to this planning application on the following grounds:

The development goes against Strategy 3 Sustainable Development which states that 'development is undertaken in a way that minimises harm and enhances biodiversity and the quality and character of the landscape.' This extension, originally on a residential plot, increases the footprint of the building substantially and would result in a loss of light to neighbouring properties, such as Westholme. It would also impact the character of the historic Piccadilly Lane.

This extension also goes against the 'interest of amenity and to preserve and enhance the character and appearance of the conservation area' in policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and EN10 (Conservation Areas of the East Devon Local Plan 2013-2031).

Furthermore, elements of previous planning applications have not yet been enacted and the increase in the footprint of the building, and the increase in patients and staff, would make these near impossible. The existing approval indicates room for 10 cars and a turning area which has not yet been implemented. As well as this, previous landscaping plans have also not been undertaken, despite being a condition of application 17/1672/VAR which states 'two mountain ash trees are proposed which in turn will grow into attractive features for the townscape....subject to these being planted the proposal is accepted.'

These are my views based on the information currently available to me. I reserve the right to alter my comments if further information comes to light.

Ottery St Mary - Cllr Vicky Johns

As the ward member I object to this application due to the large increase in the footprint of the building, when the original application went through it was stated that it would stay the same size as the original bungalow's footprint, since then it has already increased in size. The new application would have a detrimental impact on the neighbouring properties and although I appreciate the need for more dentistry we cannot allow that as the cost of the neighbouring properties. The previous applications have stated that there is parking for patients but this is not the case and patients need to park elsewhere when visiting, the existing dental surgery stipulates the space for 10 cars and a turning circle - this is not currently in place and the increase in development size (and consequently patient numbers and additional employees) would mean the surgery has insufficient capacity to service the surgery. The existing dental surgery plans stipulate a landscaping plan which is not evident. In application 17/1672/VAR it states 'two mountain ash trees are proposed which in turn will grow into attractive features for the townscape....subject to these being planted the proposal is accepted.' As far as I can tell these have yet to be planted. Piccadilly Lane is a significant part of Ottery history with photos of this lane used to represent Ottery St Mary on several local websites however if the extension were to go ahead it would alter and change a historically important area for ever. Allowing the proposed development to proceed would not only contradict the historical character of the area but also result in the irreversible alteration of its importance and heritage. This extension goes against the 'interest of amenity and to preserve and enhance the character and appearance of the conservation area' in accordance with policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and EN10 (Conservation Areas) of the East Devon Local Plan 2013-2031).

Inaccurate and Incorrect Plans. The plans for the east elevation have been drawn incorrectly and not to scale. The fence height of 8 feet, as depicted in the plans, does not align with the existing fence, which is only 6 feet high. This discrepancy raises concerns about the accuracy and reliability of the proposed plans and does not therefore depict the massing of the proposed development correctly.

The existing building on the east Elevation was built on the furthest side of Westholme's property boundary so as not to impact Westholme. It is believed that this was one of the considerations the current planning was accepted. It should be recognised this was a residential plot with a single bungalow structure before being over developed.

These are my views with the information I have in front of me however I reserve the right to change my opinion if further information comes to light.

### Other Representations

One objection to the original scheme from the immediate neighbouring occupier on the following grounds:

- The application submitted is very basic on information.
- Drawings are inaccurate as they fail to show any immediate context in either plan, section, or elevation.
- Loss of amenity: Significant increase in the height of the new wall. Would lead to an overshadowing effect, causing a loss of natural light.
- Contrary to the principles set out in the Neighbourhood Plan 'Protects the amenity of neighbouring properties' and that 'Development of higher density which is clearly out of keeping with the established 'urban grain' can be detrimental to the appearance and character of an established area.
- Overdevelopment: Out of scale and character with the surrounding area. The extension is too large and dense compared to existing residential buildings and would have a devastating impact on site lines both through Piccadilly Lane and from Westholme.
- Would introduce additional noise and disruption, in addition to the construction phase.
- Support economic development but it must be fitting of the environment and setting.
- Environmental impact: Concerns about the environmental impact of the extension including the destruction of a green space and insufficient consideration of sustainability measures and damage the roots of another large tree (magnolia tree).
- The approval for the existing dental surgery stipulates the space for 10 cars and a turning circle - this is not currently in place and the increase in development size (and consequently patient numbers and additional employees) would mean the surgery has insufficient capacity to service the surgery.
- Landscaping plan is not evident. Application 17/1672/VAR states 'two mountain ash trees are proposed. These have not been planted.
- Piccadilly Lane is a significant part of Ottery history. If the extension were to go ahead it would alter and change a historically important area for ever.
- Would not only contradict the historical character of the area but also result in the irreversible alteration of its importance and heritage.
- Inaccurate and Incorrect Plans. The plans for the east elevation have been drawn incorrectly and not to scale. The fence height of 8 feet, as depicted in

the plans, does not align with the existing fence, which is only 6 feet high. Does not therefore depict the massing of the proposed development correctly.

- This was a residential plot with a single bungalow structure before being over developed.
- Potential increase in traffic and parking congestion. The increase in patient and staff vehicles would exacerbate the existing problem, leading to further inconvenience for the residents.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
23/0028/FUL	Single storey link extension	Approved	16/3/23
20/0498/FUL	Extension to existing dental practice, forming link between two buildings.	Approved	2/6/20
17/1672/VAR	Variation of condition 2 (plans condition) of planning permission 16/1518/FUL (construction of single storey rear extension)	Approved	5/10/17
16/2985/FUL	Retention and alteration of garage for use associated with dentists' surgery (Full)	Approved	10/2/17
16/1518/FUL	Construction of single storey rear extension (revisions to planning permission 15/0220/FUL)	Approved	26/10/16
15/0220/FUL	Construction of single storey extension	Approved	29/7/15
13/1701/FUL	Change of use from dwelling to dental practice	Approved	19/9/13
10/0087/FUL	Demolition of bungalow and construction of new dental practice building.	Approved	15/6/2010

## **POLICIES**

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

Strategy 1 (Spatial Strategy for Development in East Devon)  
 Strategy 3 (Sustainable Development)  
 Strategy 6 (Development within Built-up Area Boundaries)  
 Strategy 24 (Development at Ottery St Mary)  
 D1 (Design and Local Distinctiveness)  
 D2 (Landscape Requirements)  
 E2 (Employment Generating Development in Built-Up Areas)  
 E9 (Town Centre Vitality and Shopping Areas)  
 EN8 (Significance of Heritage Assets and their setting)  
 EN9 (Development Affecting a Designated Heritage Asset)  
 EN10 (Conservation Areas)

EN21 (River and Coastal Flooding)  
Policy TC2 (Accessibility of New Development)  
Policy TC7 (Adequacy of Road Network and Site Access)  
Policy TC9 (Parking Provision in New Development)

### Made Ottery St Mary and West Hill Neighbourhood 2017-2013 Policies

NP2 (Sensitive High Quality Design)  
NP22 (Ottery St. Mary Conservation Area)

### Government Planning Documents

NPPF (National Planning Policy Framework 2023)  
National Planning Practice Guidance

### Site Location and Description

The site comprises the premises of the Ottery St. Mary Dental Practice, located on the southern side of Hind Street opposite the Sainsbury's supermarket within the town's designated Conservation Area. The site is also within flood zones 2 and 3.

The premises, which were originally formed from the conversion and adaptation of a bungalow formerly known as Sunny Corner, have since been significantly extended to the west and east.

Ottery St. Mary Fire Station is the immediate neighbour to the west. On the opposite side of Hind Street to the north is Sainsbury's. Residential properties are located to the east and south. Westholm, a detached property to the east is the most immediate neighbour and is separated from the site by Piccadilly Lane, a narrow, historic pedestrian public right of way.

There is a small parking/ turning area to the front of the site accessed off Hind Street with parking for two cars.

### Proposed Development

The proposal seeks permission for a further eastern extension to the existing dental practice on Hind Street, Ottery St Mary. The planned mono pitch roof has been revised to a flat roof.

The proposed extension would provide two further surgery rooms and a staff room, bringing the total surgery rooms within the building to 9 (7 existing surgery rooms). The applicant has stated that this will help obviate the practice waiting list and assist with general practice training.

The submitted details of the extension, measuring c. 12.8m x 6.4m would add a further c. 82 square metres of floor space to the premises, and now incorporates a flat roof and walls finished in white painted render to match the other white rendered extensions. The elevation facing inwards into the site would comprise largely glazing set within dark grey frames, again matching the other extensions. The height of the



flat roof is c. 2.8m above internal site ground level. The level in Piccadilly Lane is c. 0.5m higher, such that only circa 0.5m of the extension would be visible above the 1.8m fence.

No change is proposed to the small parking/ turning area to the front of the surgery.

### Considerations and Assessment

The main issues are considered to be the principle of the development, design and character considerations including heritage impacts, amenity impacts, highways/ parking issues and flood risk considerations.

### Principle of Development

Strategy 1 – (Spatial Strategy for Development in East Devon) advises the Local Plan will set out how development in smaller towns, villages and rural areas will be geared to meeting local needs.

Strategy 24 - Development at Ottery St Mary promotes Ottery St Mary as a focus for development which meets local needs and makes the town a more vibrant centre. Proposals should be consistent with the strategy which includes the village as a focus for jobs and providing employment opportunities and support for health providers to meet their accommodation needs. In expanding much-needed dental services, the proposal fulfils the aims of strategies 1 and 24 , including to support job creation and assist health providers in meeting local needs.

Policy E2 - Employment Generating Development in Built-Up Areas supports the expansion of existing businesses which meet the following criteria in full:

- 1. Where practical it is accessible by pedestrians, cyclists and public transport – as a sustainable rural village the site is accessible.*
- 2. It would not generate traffic of a type or amount inappropriate for the character of access roads or require improvements that would damage the character of those roads - the roads can accommodate dental surgery traffic.*
- 3. It would not harm the character or setting of local settlements or the amenity of nearby residents - The development would not give rise to amenity harm, addressed in detail in the relevant section of the report below.*
- 4. It would not harm any site of nature conservation value or archaeological importance or any building of architectural or historic interest - The development would not give rise to harm to heritage assets, addressed in detail in the relevant section of the report below.*
- 5. It would blend into the landscape and/or townscape in terms of design, siting and materials - The development would not give rise to harm to townscape, addressed in detail in the relevant section of the report below.*

It is recognised that there is a shortage of dentists and that a town centre location is a sustainable one.

The proposal accords with strategies 1 and 24 and policy E2 and there is no objection to the principle of development.

The site has seen a number of extensions since the original conversion of the bungalow into the current dental practice and the townscape, heritage, amenity and parking issues arising out of this further proposed extension are considered in detail in the report below.

### Design and Character Considerations, including Heritage Impacts

The site lies within the Conservation Area for Ottery St Mary. There are no Listed Buildings immediately surrounding the site. The designated heritage assets in the vicinity are those in Silver Street, Raleigh House, Donnithornes, Wardens House and College house. The designated Town Centre Area (Policy E9) lies to the north and east of the site.

Policies EN8 seeks to safeguard heritage assets, and policy EN10 states that development within Conservation Areas or outside the area where it would affect views in or out of the area will only be permitted where it would preserve or enhance the appearance and character of the area. Policy EN9 seeks to protect designated heritage assets, of which there are none locally affected. However, the Piccadilly Lane footpath is a historic route and could be classed a non-designated heritage asset.

Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy D1 (Design and Local Distinctiveness), among other criteria, only permits proposals that respect the key characteristics of the area, requires that the scale, massing, height, and materials of buildings relate well to their context and do not adversely affect the urban form, trees worthy of retention or the amenity of neighbouring occupiers.

Like the Local Plan policies, Neighbourhood Plan policies NP2 (Sensitive High Quality Design) and NP22 (Ottery St. Mary Conservation Area) similarly seek to safeguard townscape and heritage assets.

Originating through the conversion of a white rendered/ grey tiled pitched roofed residential bungalow, and subsequently incrementally extended by more modern mono pitched render, timber and glazed elevations, the external appearance of the dental practice building is a mixture of styles, unified by consistent pale painted rendered walls.

Like the other later modern additions, the extension now proposed originally also had a mono pitch roof form, but following concerns about impacts, has been revised to a flat roof. This is primarily to reduce the impacts on the adjacent historic footpath, within the Conservation Area, and on the residential amenity of occupiers in the dwelling beyond the footpath to the east.

The revision is successful in reducing the visibility of the structure in the street scene and on the historic Piccadilly Lane footpath to the east.

The original bungalow was of little architectural merit but set back from the street and within a generous plot, was recessive and unobtrusive within the Conservation Area. With the more modern later additions, the dental practice has a greater public presence and visibility within the local street scene. However, this does not necessarily translate to a detrimental impact.

The current proposal will extend the built form along the eastern boundary to the south east corner of the site. There is an existing close boarded fence along Piccadilly Lane which successfully screens the majority of the site from public views, such that the upper parts only of the extensions are and would be visible from the path above the boundary.

The conservation officer originally commented that the information provided was very limited and did not have a design and access statement/ heritage statement to take into account the impact on the Conservation Area or Listed Buildings. Contrary to Paragraph 194 of the NPPF. A Heritage Statement was requested and subsequently submitted. No further comments have been received from the conservation officer to date and Members will be updated at the meeting if received.

Having regard to the Council's duty to ensure proposals conserve or enhance the Conservation Area, it is considered the proposal as revised, of which only a limited part would be visible over the boundary fence, has no significant detrimental impact on heritage assets, namely Listed Buildings (which are too remote to be impacted) and the character of the Conservation Area, including on Piccadilly Lane footpath, which is considered to be of local importance and historic value.

While not enhancing, the extension preserves the character of the heritage assets. Accordingly, no policy concerns arise with regard to policies EN10 and D1 and NP22 or the provisions of the NPPF.

#### Amenity of neighbouring occupiers

Policy D1- Design and Local Distinctiveness aims to ensure developments do not adversely affect the amenity of adjoining residential occupiers.

This application for a further extension has been revised to overcome objections from the nearest neighbouring occupier at Westholme to the east across Piccadilly Lane, and now includes a flat roof as opposed to mono-pitch roofs. This further extension in the south east corner of the site would adjoin an existing extension approved in March 2023 and which was under construction at the time of the site visit. That extension, with mono pitch roofs, is more prominent in the street scene, extending higher above the boundary fence. However, it is offset to the north of Westholme, unlike the proposed extension, which is directly opposite Westholme.

Westholme is a detached dwelling with double gables and double bay windows, the front aspect of which faces towards Piccadilly Lane and the eastern boundary fence of the application site. Westholme has a low brick boundary wall fronting Piccadilly Lane. The land level within the application site is lower than the level of Piccadilly Lane, such that the flat roof extension would be circa 2.3m above the level of Piccadilly lane, some 0.5m higher than the top of the boundary fence (circa 1.8m).

For comparison, the lowest part of the mono pitch extension to which this would be attached, is the same height as the flat roof but circa 1.1m higher to the apex. Westholme has a small front garden circa 5.5m deep. The distance between the front door and the boundary of the application site is approximately 7m. Piccadilly Lane is circa 1.5m wide, but narrower in places, the width constrained intermittently by low level bollard lighting.

Westholme has its principal garden to the south. The distances involved and relationship is such that a further circa 0.5m of development visible above the boundary fence will not unduly impact on the outlook or amenities of neighbouring occupiers.

Under policy TC4 - Footpaths, Bridleways and Cycleways requires, development which would reduce the convenience or attractiveness of an existing footpath will not be permitted unless an acceptable alternative route is provided.

The amenities of users of the public footpath would not be unduly compromised by the additional 0.5m increase in height above the existing boundary fence or the attractiveness of the route unduly impacted. In such circumstances, no conflict with policies D1 or TC4 arise.

#### Highways/ Parking

Policy TC2 - Accessibility of New Development advises new development should be located so as to be accessible by pedestrians, cyclists and public transport so as to minimise the need to travel by car. Adequate provision for persons with reduced mobility is also a consideration.

Policy TC7 - Adequacy of Road Network and Site Access advises new development will not be granted if the traffic generated by the development would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 - Parking Provision in New Development advises in town centres where there is access to public car parks and/or on-street parking, lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary.

The site has a small forecourt parking/ turning area accessed off Hind Street. The capacity is unaffected by the proposed development and on-going building works, with space for two disability accessible parking bays. The applicant has confirmed that:

*“ The demarcation lines have been recently installed following significant progress to the ongoing works. We have continued to ensure sufficient provisions for 2 disabled parking spaces which has been communicated to patients through the building staff. The staff park offsite or arrive by public transport”.*

This is a town centre location with car parking nearby, where staff and patients arriving by car can park. It is important to retain the parking provision for people with mobility difficulties.

County Highways raise no objections and notwithstanding the additional space will increase the capacity of the dental practice and therefore number of visitors, this is a sustainable location, accessible by public transport, with nearby car parks for staff and patients and parking provision on site for those patients with mobility disabilities. In such circumstances no conflict arises with the aims of Policy TC9.

### Flood Risk

The site is located within Flood Zones 2 and 3 which is defined by the Planning Practice Guidance (PPG) as being areas at risk of river and sea flooding. The application is supported by a Flood Risk Assessment (FRA).

The Council's approach to flood risk is set out within Policy EN21 River and Coastal Flooding. This states that a sequential approach will be taken to considering whether new developments excluding minor developments and changes of use (minor development includes non-residential extensions) will be permitted in areas subject to river and coastal flooding.

Based on Annex 3 of the National Planning Policy Framework, the flood risk vulnerability classification for the dental practice could be categorised as either 'More Vulnerable' or 'Less Vulnerable' depending on whether it is considered a 'health service' or a 'professional service'.

For the purposes of determining whether a sequential and exception test is necessary in this instance, the proposal, less than 250 sqm, can be classified as minor development and a non-residential extension. The new building is to be treated as an extension being adjoined to the existing building with an interconnecting door. As such, the development as proposed would be exempt from requiring the application of the sequential test.

As a 'Less Vulnerable' development, it is suitable within Flood Zone 3a. As a 'More Vulnerable' development it is suitable subject to an 'Exception Test' being passed. As the dental practice is an existing development that was granted planning permission for a change of use from residential (classified as 'More Vulnerable') in 2013 it is assumed that the dental practice has been classified as 'Less Vulnerable' and is suitable in Flood Zone 3a.

As the development is a 'Minor Extension' of the existing building, the Finished Floor Level will be no lower than at present (47.41mAOD). Now the building is allocated for commercial rather than residential use, flood events are dealt with by evacuation in advance of the flood. However, there may be circumstances where emergency evacuation is essential (e.g., swiftness of the flood event occurring). The predicted 1 in 100-year event (1.0% annual probability) in 2098 would flood the car park to a maximum depth of approximately 400mm and hence the property will be readily accessible by emergency service vehicles (which can function at 900mm depth). The

property should be part of the Environment Agency's Flood Warning Service as this will enable the early evacuation of the building.

The Flood Risk Assessment (FRA) advises the extension would increase the gross floor area by 82 square metres which, as the site is defended for the 1 in 100 year (1%) year event, will have a negligible effect on flood storage in the catchment. The site also retains an overland flood route on the western boundary of the site. On this basis, the development should have a negligible effect on the flood risk to other properties in the area. Surface water drainage will be via main sewer.

The following flood resilience proposals are recommended in the FRA, to be secured by condition:

Solid floors - constructed of concrete and floor coverings such as clay or quarry tiles, which can be easily washed down in the event of a flood.

Wall finishes – any plasterboard if used to be laid horizontally rather than vertically to reduce the quantity of stripping out required after a flood event.

Electrical systems - all electrical sockets and fuse boxes located at least 450mm above the finished ground floor level and that all wiring is in the void space in the ceiling.

Raised Appliances and their electrical sockets - appliances, attached to the wall, their electrical sockets are at least 450mm off the floor and are fed from electrical circuits located in the ceiling.

On this basis, subject to a condition requiring compliance in accordance with the submitted FRA, no concerns arise regarding policy EN21.

### Other matters

There was a query as to the timing of previously approved landscaping. The applicant has confirmed that the 2 rowan trees required as a condition imposed on planning permission 17/1672/VAR have now been planted.

References have been made to inaccurate plans. This is accounted for by the fact the drawings are based on the land levels within the site and the land level on Piccadilly Lane is higher than the ground level within the site.

### **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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those of the existing building.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
  
4. The development hereby permitted shall be carried out in accordance with the measures for mitigating the effects of flooding set out in the Flood Risk Assessment Reference P71/FRA (v3.1) dated 10 October 2023 by GWD Consulting Engineers. Thereafter those measures shall be retained and maintained.  
(Reason - To ensure that the risks and effects of flooding are appropriately managed in the interests of safety in accordance with the provisions of Policy EN21 - River and Coastal Flooding of the adopted East Devon Local Plan 2013 - 2031.)

**NOTE FOR APPLICANT**

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Plans relating to this application:

23/SC02A	Proposed Combined Plans	11.10.23
	Location Plan	12.06.23
	Block Plan	30.05.23

List of Background Papers

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

**Statement on Human Rights and Equality Issues**

Human Rights Act:

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

Equality Act:

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