

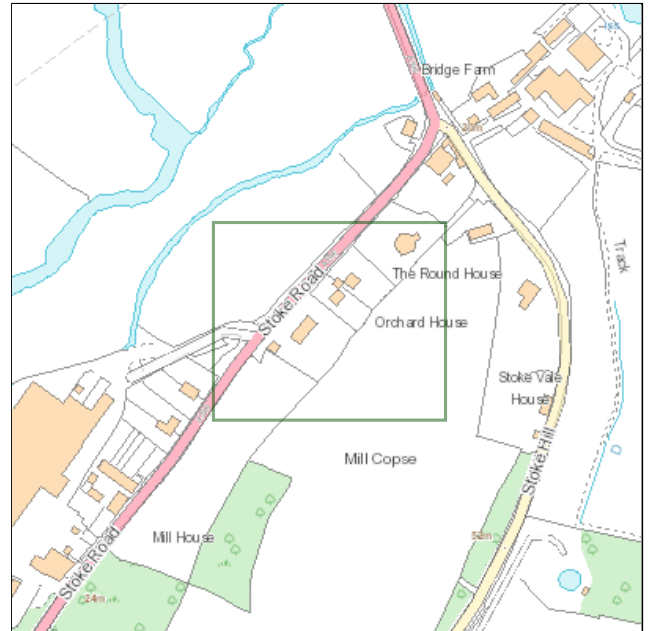
**Ward** Exe Valley

**Reference** 20/2543/OUT

**Applicant** Mr N Marks

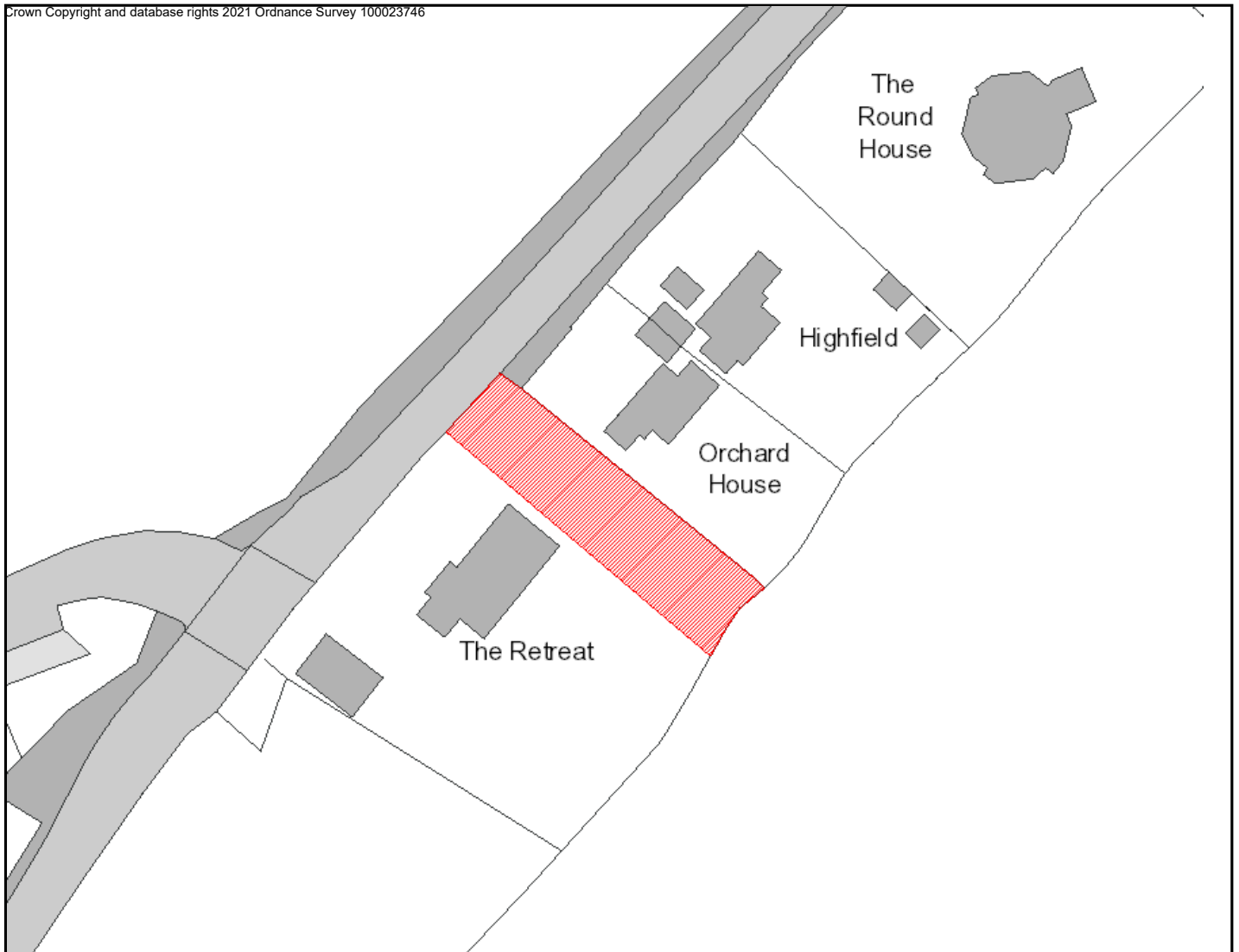
**Location** The Retreat Stoke Canon Exeter EX5 4EG

**Proposal** Outline application with all matters reserved for the construction of a detached bungalow



**RECOMMENDATION: Refusal**

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		<b>Committee Date: 10th March 2021</b>	
<b>Exe Valley (Stoke Canon)</b>	<b>20/2543/OUT</b>	<b>Target</b>	<b>Date:</b>
		<b>15.02.2021</b>	
<b>Applicant:</b>	<b>Mr N Marks</b>		
<b>Location:</b>	<b>The Retreat Stoke Canon</b>		
<b>Proposal:</b>	<b>Outline application with all matters reserved for the construction of a detached bungalow</b>		

**RECOMMENDATION: REFUSE**

#### **EXECUTIVE SUMMARY**

**This application is before Members because the officer recommendation is contrary to the view of the Ward Member.**

**Outline planning permission with all matters reserved is sought for the construction of a dwelling within the side garden of a property known as The Retreat in Stoke Canon. The site lies outside of any built up area boundary, where Strategy 7 restricts new residential development unless it accords with another local plan policy or there is other justification.**

**The site lies to the south of, and detached from, the village of Stoke Canon which has a range of services and facilities. However Stoke Canon is not identified as a sustainable location for further development due to the limited services and facilities and as the majority of the village is located within an area at high risk of flooding.**

**The application site is not within an area identified as being at risk of flooding (although the access road to the site frontage is), however its location is considered to be unsustainable in planning terms, being located remotely from the village. There is a bus service which would be accessible to any future residents, however given the nature of the road, with no pavements and of restricted width with limited passing for cyclists, it is considered that realistically most of the journeys for day to day services would result in an increase in private vehicular traffic.**

**The application has been submitted in outline form and therefore matters of detail are not considered at this stage, however there is concern that the site is substantially smaller than other plots in the immediate vicinity and that any new dwelling on the site would appear cramped and out of character with that existing.**

**Overall it is considered that there is no policy support for the development of a new dwelling in an unsustainable location.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Exe Valley - Cllr Fabian King**

Having seen the plans, I endorse the neighbours request about windows overlooking their property because the siting of the bungalow on the plans is right beside their building and very close, due to the narrowness of the available ground.

Also I endorse the matter of drainage, because of the floodwater that comes down from Silverton, which has been raised on several occasions by the Parish Council in previous years.

I support the application with the above reservations, hoping that perhaps conditions could be imposed, and so I leave it to the professional management of the Planning West Team.

#### **Parish Council**

Stoke Canon Parish Council considered this application and had no reservations except it was noted that a previous application had been turned down on access issues.

### **Technical Consultations**

None received

#### **Other Representations**

One representation has been received raising concerns regarding overlooking/loss of privacy and the exacerbation of surface water flooding, and potential concerns regarding design, height, position and materials.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
08/0300/OUT	Erection of detached bungalow	Refused	15.04.2008

## **POLICIES**

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

Strategy 7 (Development in the Countryside)

Strategy 27 (Development at the Small Towns and Larger Villages)

D1 (Design and Local Distinctiveness)

EN22 (Surface Run-Off Implications of New Development)

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 2019)

National Planning Practice Guidance

### **Site Location and Description**

The application site comprises part of the side garden of a property known as The Retreat and is located on the south eastern side of Stoke Road (A396) the main road to the west of the M5 between Exeter in the south and Tiverton to the north.

The site lies with a small ribbon of residential development around 750m to the south of the village of Stoke Canon.

The road to the front of the site falls within Flood Zones 2 and 3.

### **Proposed Development**

Outline planning permission with all matters reserved is sought for the construction of a dwelling within part of the north-eastern garden area associated with The Retreat. The site measures 0.59ha, (12.3m x 48m).

Whilst no details have been provided, the site includes part of the existing access onto the highway and the description of the proposed development refers to 'construction of a detached bungalow'

### **ANALYSIS**

The main issues to be considered in the determination of this application relate to the principle of the development, sustainability, impact of the development on the character and appearance of the area, Flood Risk, on residential amenity, highway safety and parking.

#### **Principle of the Development**

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless materials considerations indicate otherwise. The East Devon Local Plan 2013-2031 was formally adopted in 2016 and at the time of writing this report can demonstrate having a 5 year housing land supply. It is considered that the policies within the Local Plan are up to date and relevant in the consideration and determination of the application.

The Villages Plan, together with the Local Plan and any 'made' neighbourhood plans, form the 'Development Plan' for East Devon, which guides decisions on development and land use in East Devon. To date no progress has been made on the preparation of a neighbourhood plan for Stoke Canon or the surrounding area.

The Villages Plan was adopted in July 2018 following independent examination and this document is a policy tool which defines built-up area boundaries for those settlements identified as sustainable and listed under Strategy 27 of the Local Plan. Stoke Canon does not have a built-up boundary despite having some services and public transport opportunities with a regular bus service to other settlements, principally Exeter. However, given the limited facilities and as almost all of the settlement falls under flood zone 2 or 3 classification, it has not been included within Strategy 27 as a sustainable location that could take additional housing growth.

Strategy 27 (Development at the Smaller Towns and Larger Villages) of the Local Plan sets out the Council's spatial approach to new residential development in towns and villages. The Council's approach to new residential development is to direct new housing to larger towns within the District and to smaller towns and villages which have a range of services and are therefore considered to be sustainable locations as defined within the East Devon Villages Plan.

Notwithstanding the services available within Stoke Canon, it does not have a built-up area boundary and in addition the site lies some distance from the main body of built development not served by pavements or save routes by foot or cycle to Stoke Canon.

Strategy 7 (Development in the Countryside) of the Local Plan states:

*The countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations shown on the Proposals Map. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:*

- 1. Land form and patterns of settlement.*
- 2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.*
- 3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.*

No justification has been put forward for the siting of a dwelling in this countryside location, and there are no other local plan policies which support new residential development in rural locations such as this. As such it is considered that the proposal would be contrary to Strategy 7 and that there is an 'in principle' objection to the development of a new dwelling in this location.

## **Sustainability and Accessibility**

The application site is around 800m from the village centre where there is a shop, school, church and public house, together with other services. However the facilities

of Stoke Canon are not considered to be easily or safely accessible by walking due to the lack of footpaths, road alignment and the narrow and lengthy bridge crossing the River Exe. Cycling could be considered in terms of a reasonable distance, however the road is of limited width in places, with few safe passing places and is very busy. It is considered that cycling along this road, whilst possible, is not an attractive option.

There is a bus service along the A396, with a bus stop located at the entrance of the Imbert Green Technology Park opposite to the site, and whilst some journeys could therefore be made using this alternative transport, for shopping and the majority of visits to services and facilities, a private vehicle would be most likely to be used. It is considered that realistically most of the journeys for day to day services and facilities would result in an increase in private vehicular traffic.

With the above in mind, the site is not considered to be located close to a range of *accessible* services and facilities.

### **Character and Appearance of the Area**

The application has been submitted in outline with all matters reserved, so a detailed assessment of the impact of a new dwelling cannot be undertaken, although there is some concern that the application site is smaller than those within the immediate vicinity. Whilst the site is located within an existing ribbon of development it is considered that the introduction of a further dwelling on the site would add to existing sporadic development in the countryside and consolidate built development outside of the built-up area boundary with detriment to the semi-rural character and appearance of the area. It is considered that the proposal would fail to respect the key characteristics of the area and would fail to ensure that the density of development relates well to its context. As such it would be contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the Local Plan.

### **Flood Risk**

As stated above, the access road to the site is located within flood zones 2 and 3.

It is therefore necessary, in line with the relevant guidance set out in the NPPF and the provisions of Local Plan Policy EN21, to apply the sequential test in order to determine whether the provision of an additional unit of residential accommodation would be acceptable in this case.

The sequential test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding, as described in paragraph 158 of the National Planning Policy Framework (NPPF). As stated, whilst the proposed building would be outside of the flood zone, the access road to the site. The aim of the sequential test is to steer new development to flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in flood zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in flood zone 2 (areas with a medium probability of river or sea flooding). Only where there are no reasonably available sites in flood zones 1 or 2 should the suitability of

sites in flood zone 3 (areas with a high probability of river or sea flooding) be considered.

It is for local planning authorities, taking advice from the EA as appropriate, to consider the extent to which sequential test considerations have been satisfied, taking into account the particular circumstances in any given case.

Paragraph 155 of the NPPF advises that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

As residential accommodation is considered to be a high risk use, it is considered to be inappropriate in a location at risk of flooding.

Under the sequential test, development should not be permitted if there are reasonably available sites with appropriate in areas with a lower probability of flooding; the fundamental principle of this being to avoid placing additional people at risk of being flooded.

It is considered that the appropriate area for application of the sequential test would be the entire District of East Devon. Such an approach has been considered to be acceptable by the respective planning inspectors when determining appeals against the Authority's refusals of applications for residential development at land to the rear of Sam's Funhouse, St. Andrews Road, Exmouth (application ref. 17/2498/FUL, relating to change of use of offices/store rooms and extensions to provide 6no. flats) and flat 1, 6 Alston Terrace, Exmouth (application 19/1267/FUL, involving regularisation of the subdivision of one flat into two flats) where this issue was central to determination of both proposals.

In any event, even if the geographic area for applying the test were limited to Stoke Canon, the Council currently has a 5 year housing supply of land and it is considered that there would be land and/or buildings available for an additional flat to be provided elsewhere that would not be in flood zones 2 or 3.

As the proposed development necessitates access through the flood zone and there are other locations where the development could be provided that are within flood zone 1, and therefore not at risk of flooding, it is felt that the proposal fails the sequential test.

### **Residential Amenity**

A new dwelling will inevitably result in further activity on the site, although any other impact on the residential amenity of neighbouring residents in terms of overlooking, loss of privacy or visual intrusion is for consideration at the reserve matters stage.

It is considered that a bungalow could be designed and constructed in a way that adequately protects the amenity of adjoining neighbours.

## **Highway Safety**

Access forms part of the reserved matters, although the entrance onto the highway serving the host property is included within the application site. It is considered that should the proposed dwelling be served from the existing access, which has reasonable visibility onto the main road, it is unlikely that the additional traffic generated from a single new dwelling would result in a substantive highway safety issue.

## **Appropriate Assessment:**

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

## **CONCLUSION**

Notwithstanding the fact that matters of layout, appearance, scale, access and landscaping have been reserved for future consideration, there is no policy support for the principle of a dwelling on this site which would be contrary to the provisions of Strategy 7 of the Local Plan. The site being located in an unsustainable location a considerable distance from Stoke Canon, that itself does not benefit from a Built-Up Area Boundary.

In addition the size of the plot would be significantly smaller than those in the immediate vicinity and it has not been demonstrated that a dwelling could be accommodated on the site without appearing to be cramped and failing to respect the key characteristics and special qualities of the area within which it is located, and would therefore be contrary to Policy D1 (Design and Local Distinctiveness) of the Local Plan.

Finally, the access is located within flood zones 2 and 3 and it is considered that the proposal fails the sequential test.

## **RECOMMENDATION**

## REFUSE for the following reasons

1. The site lies outside of any Built-Up Area Boundary or Strategic allocation as defined in the East Devon Local Plan 2013 to 2031 or the East Devon Villages Plan 2018 and therefore is located in the open countryside where residential development is restricted. The proposed development by reason of its location in the countryside, remote from essential services and facilities required for daily living would result in an unsustainable form of development with reliance upon the use of the motor vehicle to access the services and would result in a development that would not be physically or functionally well related to the built form of any settlement or its services and facilities. As such the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031, and the guidance within the National Planning Policy Framework.
2. The introduction of a dwelling on the site would add to existing sporadic development in the countryside. The proposal has failed to demonstrate that the site can accommodate a dwelling that would be compatible with the character and appearance of the area. As such it is considered that this would result in a cramped development which would fail to comply with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031 and the guidance contained within the National Planning Policy Framework.
3. The access to the application site is located in flood zones 2 and 3 where there is a higher probability of flood risk. In the opinion of the Local Planning Authority, there are other reasonably available sites within the district of East Devon with a lower probability of flooding that would be appropriate for residential development. The proposed development therefore fails to satisfy the sequential test for flood risk and, as such, would be contrary to the provisions of Policy EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031 as well as guidance set out in the National Planning Policy Framework and Planning Policy Guidance.

## NOTE FOR APPLICANT

### Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

### Plans relating to this application:

Location Plan	10.12.20
Proposed Site Plan	17.11.20

### List of Background Papers

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