

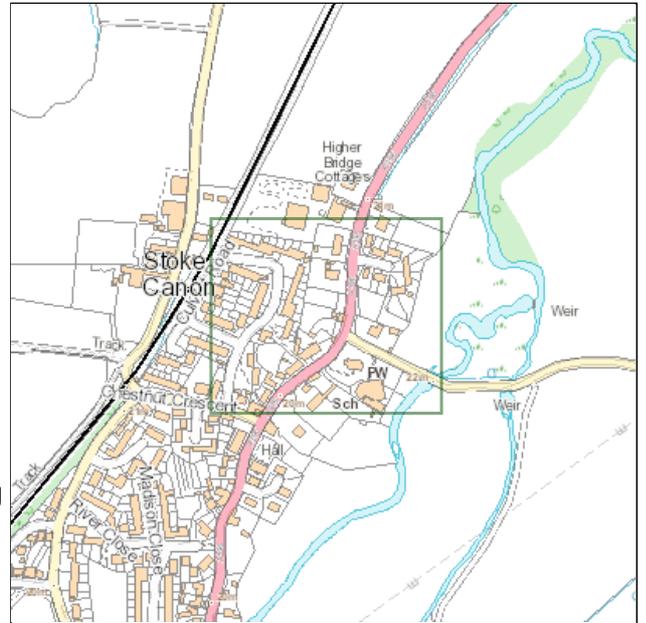
Ward Exe Valley

Reference 22/0992/FUL

Applicant Highcroft Prestige Properties Ltd

Location Stoke Cottage Stoke Canon Exeter EX5 4AT

Proposal Demolition of existing dwelling and construction of seven dwellings, with associated landscaping and access



RECOMMENDATION: Refusal



		Committee Date: 25 October 2022
Exe Valley (Stoke Canon)	22/0992/FUL	Target Date: 19.07.2022
Applicant:	Highcroft Prestige Properties Ltd	
Location:	Stoke Cottage Stoke Canon	
Proposal:	Demolition of existing dwelling and construction of seven dwellings, with associated landscaping and access	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Committee because the recommendation of Officers is at odds with that of the Ward Member.

Planning permission is sought to demolish an existing cottage and to re-develop the site by the construction of seven new dwellings comprising 5 detached properties to the rear of the site, with two coach-house style dwellings on the road frontage. Associated parking and landscaping is proposed within the site, with a centrally located access serving the dwellings.

Five of the properties, would be open market dwellings, with the coach-house dwellings proposed as affordable units, one being a one bedroom affordable rent, and the other a two bedroom shared ownership property.

The site lies within the centre of Stoke Canon, opposite the Grade I listed St Magdalena Church. The village has a range of facilities, including a school, shop and public house and reasonable transport links, however it is also within an area identified as being flood zone 2/3.

Stoke Canon does not have a built-up Area Boundary, mainly due its location within an area identified as being at risk of flooding, and therefore in planning terms is located in the countryside, despite having a number of sustainability credentials. As such there is an in principle objection to new development unless it is in accordance with other Local Plan policies which explicitly permit such development.

The application is being promoted as providing affordable housing for the village, although it doesn't provide the levels of affordable housing required under Strategy 34, or meet the tests under Strategy 35 as an exceptions site. The benefits of some affordable housing is recognised, however this has to be

balanced against the development of a more vulnerable use within an area at risk of flooding.

National Planning Policy Guidance and Local Plan policies direct that planning permission should not be granted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, and that a sequential approach should be taken in considering whether new development should be permitted. A search of sites for sale in the grouped parishes for affordable housing has been undertaken which has not identified any suitable alternative locations on the market at less risk of flooding. Notwithstanding this, as the site fails to make appropriate provision for affordable housing to be considered as an exceptions site, where a reduced area of search may be appropriate, it is not considered that it has been robustly demonstrated that the development needs to be in this location such that the sequential approach to development is satisfied.

Whilst the proposal is considered to be acceptable from a design and heritage perspective, would make a modest contribution towards the housing land supply, and there are no objections raised in respect of highway safety, amenity or ecological impact, the position of the site within the flood zone is of fundamental concern such that the application is recommended for refusal.

CONSULTATIONS

Local Consultations

Exe Valley - Cllr Jamie Kemp

I support this application as I feel it will be of benefit to Stoke Canon. It will be a good use of the now redundant land when we are in need of more housing.

Parish/Town Council

Stoke Canon Parish Council fully supports this application.

Stoke Canon Parochial Church Council support the application for housing at Stoke Cottage with the following proviso;

- * Priority is given to a reasonable percentage of affordable housing
- * Sufficient parking is provided on site with parking on the road prohibited.

The latter in recognition of the already considerable demands of parking from the school and the Church.

Technical Consultations

Conservation

CONSULTATION REPLY TO PLANNING WEST TEAM
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Stoke Cottage, Stoke Canon

GRADE: I Setting

APPLICATION NO: 22/0992/FUL

PROPOSAL: Demolition of existing dwelling and construction of seven dwellings, with associated landscaping and access

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The site is almost opposite the grade I listed church and includes Stoke Cottage which is a pleasant early C19 (possibly earlier) cottage with modern leaded PVCu windows. It is noted that Historic England has been consulted on this basis. The surrounding area is characterised by more modern development to the north but some good quality historic buildings against the road to the south. See listing description and information on file.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

This is essentially the same application as proposed under 21/0501/FUL which was refused, but not on heritage grounds. The comments therefore remain as before, see below. It is noted within the Planning Statement dated May 2022 that the concerns relating to the render colour have been addressed with regards using white and off white. However, the plans do not seem to have been amended or revised and still show coloured render. This needs clarification.

21/0501/FUL

There is considerable planning history on this site including applications, most recently 17/2789/FUL, which was refused and more recent pre-application advice under 19/0031/PREAPP & 19/0193/PREAPP.

As previously suggested, the loss of the existing cottage is regrettable but cannot be controlled in this case. The principle of the re-development of the site does not present any significant concerns from a conservation perspective as the character of the village is defined by short terraces abutting the highway and the gaps either side of the existing building could accommodate a similar urban grain.

The proposed development comprises a traditional layout with more linear forms and 2no. dwelling units located adjacent to the highway either side of a cul-de-sac type access now leading to turning space, parking and 5no. dwelling units behind. The overall layout, format and overall appearance of the development is similar to the pre-application submission under 19/0193/PREAPP. However, there have been some changes with the introduction of affordable units (Unit 6 & 7) over the garages to Units 1 - 5. It is noted that this arrangement relates to flood risk.

The rear units are a mix of more traditional pitched roof to the east elevation and contemporary style to create single storey living space with associated amenity space. The palette of materials again a mix of traditional timber and render with metal rainwater goods and zinc roofing. The overall approach still seems somewhat at odds with the traditional vernacular forms within the village which are mostly modest 2 storey cottages with simple detailing under slate roofs and whilst there is no objection

in principle to a contemporary approach, the visual impact of the 5no. new units behind must be minimised.

During pre-application stage, the changes have resulted in a more traditional and domestic appearance for the units facing on to the street. The introduction of 5no. chimneys to the front row properties including the gable ends provide a dominant feature reminiscent of the rural vernacular and the existing cottage. The actual materials for the frontage buildings are unclear, although they appear to reflect the previous draft proposals, being a mix of natural slate, stone and render. However, the re-use of the salvaged stone from the demolished Stoke Cottage for the chimneystacks would be welcomed, but there is some concern that parts of the cottage maybe cob and the quantity of stone is therefore unknown. In addition, the introduction of front doors is also positive resulting in a more traditional and domestic appearance to the frontage structures. The revised roofscape to the contemporary units behind is a visual improvement creating a more recessive appearance. The colour of the render varies for each unit, but I am not convinced by the proposed colour palette which includes earth, granite grey, stone grey, pearl white etc. The village is essentially a mix of white and much paler coloured render.

The scheme is certainly a visual improvement and contributes to a more traditional and domestic appearance, particularly the 2no. units facing on to the High Street. It is therefore considered that the proposed development will result in minimal harm to the setting of the Grade I listed Church which is opposite the site.

Historic England

Thank you for your letter of 13 June 2022 regarding the above application for planning permission.

Historic England previously provided advice on a very similar application (LPA ref - 21/0501/FUL) that was refused. Historic England provides advice when our engagement can add most value. Due to the nature of our previous involvement and the historic environment not forming a reason for refusal of the earlier application, in this case we will not be offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

DCC Flood Risk SuDS Consultation

It looks like the same details from the previous planning application (21/0501/MFUL) have been submitted for this current planning application (22/0992/FUL). Therefore, our previous comments still apply. The applicant should consult South West Water to see if they are still allowed to connect into SWW's system.

Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the above planning application, which is outlined below.

If the planning Case Officer is minded to grant planning permission, we would recommend the following condition:

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with Devon County Council's groundwater monitoring policy.

(b) A detailed drainage design based upon the approved Flood Risk Assessment and the results of the information submitted in relation to (a) above.

(c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(e) A plan indicating how exceedance flows will be safely managed at the site.

(f) Evidence there is agreement in principle from South West Water

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG . The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

The applicant has proposed to complete infiltration tests to assess the viability of infiltration at this site. If infiltration is not viable, then the applicant has proposed to attenuate surface water within underground features before discharging into South West Water's combined sewer.

The applicant has acknowledged that flows from the A396 could enter the site. The applicant has proposed to form a ramp at the site entrance to prevent any flows from the highway entering the site. The applicant must discuss this with Devon County Council's Highway Team.

The applicant should assess features to treat surface water.

The applicant has noted that the site may be susceptible to groundwater flooding. The applicant must assess groundwater at the site. Groundwater can affect surface water drainage.

We would advise that the applicant could re-use rainfall to reduce the volume of surface water leaving this site.

The applicant must confirm whether the proposed ramp at the sites entrance will prevent exceedance flows from leaving the site.

EDDC Trees

No arb issues. Would recommend a detailed landscape scheme showing trees species etc.

Environment Agency

We have no objection to the proposal provided however the proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included:

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref. Clarke Bond 14 January 2021 - v6)) and the following mitigation measures it details:

- o Finished floor levels shall be set no lower than 29.29 metres above Ordnance Datum (AOD)
- o Flood resistant and resilient measures as listed in section 5.3. These are:
 - o Walls and floors: Use of tanking to effectively raise the vertical level of potential damp penetration. Seal floors to prevent water rising through the ground.
 - o Drains and pipes: Fit non-return valves to drains and water inlet and outlet pipes.
 - o Flooring: Lay tiles rather than carpets.
 - o Doors and windows: Install synthetic or waxed windows and doors.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Note for the LPA

The development is more vulnerable in classification located in flood zone 2 and 3, the sequential test must therefore be passed by the LPA. If this can't be passed development should be refused.

The LPA should be aware that there will be no safe access and egress to the site in the situation of the flood defences breaching or overtopping. The residents would therefore be trapped on site for the duration of flooding. Those in the single-story dwellings would not have a first floor area of safe refuge.

Other comments

The FRA is quoting out of date climate change allowances. That being said, the calculations that were used to calculate the flood levels are still adequate for the updated allowances (now 46% increase in peak flow) so we do not have an objection on this point.

Other Representations

Five representations have been received, 3 raising objections and 2 neutral comments, summarised below:

Objections

- Highway safety issues due to lack of visibility
- Increased parking pressure on the road
- Conflict between residential properties and users of the school
- Additional surface water flooding
- Poorly designed
- Out of character with the area
- Cramped form of development
- Damage to property during construction works
- Overdevelopment of the site
- Poor level of amenity for new residents of coach house
- Garden access to coach houses poor
- Housing survey too localised

Neutral

- Site has been vacant for many years and needs tidying up
- Building on boundary has not been considered in the application

PLANNING HISTORY

Reference	Description	Decision	Date
21/0501/FUL	Demolition of existing dwelling and construction of seven new dwellings, with associated landscaping and access.	Refused	28.07.2021

17/2789/FUL	Demolition of existing dwelling and construction of 5 no. dwellings and car ports, and creation of new vehicular access	Refused	30.01.2018
17/0010/FUL	Demolition of existing dwelling and construction of 5 no. dwellings and car ports, and creation of new vehicular access	Withdrawn	03.04.2017
11/2377/FUL	Demolition of existing dwelling and construction of five dwellings and garages and new road access	Withdrawn	02.04.2012

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)

Strategy 35 (Exception Mixed market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

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

EN21 (River and Coastal Flooding)

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)

National Planning Practice Guidance

Site Location and Description

The application site lies within the historic core of the village of Stoke Canon, opposite the Grade I Listed St Mary Magdalene's church. It is occupied by a disused cottage fronting onto High Street which is the main road (A396) through the village, and associated garden area. This part of the village lies within an area identified by the Environment Agency's mapping system as being flood zones 2 and 3. There are

residential properties to the north, south and west, and the church and church yard to the east.

Proposed Development

This application is essentially a re-submission of an application submitted under reference 21/0501/FUL for the demolition of the existing cottage and the redevelopment of the site to provide 7 new dwellings, comprising 5 detached properties to the rear of the site, with 2 coach houses above garages on the roadside frontage. That application was refused for the following reason:

“The proposed development lies within a village/settlement that is not envisaged for housing growth over the lifetime of the Local Plan, principally because the majority of the settlement lies within flood zones 2 and 3 on the Environment Agency Flood Map where there is a high risk of flooding. There are other reasonably available sites within the district of East Devon with a lower probability of flooding than the application site that would be appropriate for the type of 'more vulnerable' residential development proposed. In the absence of a sequential test showing there are no alternative sites for housing development, there is a lack of evidence that the proposal would bring about wider sustainability benefits for the community that would outweigh the flood risks for the buildings and potential occupiers over the lifetime of the buildings on a site in flood zones 2 and 3 which is likely to adjust in the future. The proposal is contrary to Strategy 7 (Development in the Countryside), Strategy 27 (Development at the Small Towns and larger Villages) and Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan and guidance within the National Planning Policy Framework and National Planning Policy Guidance.”

Essentially the proposals include a new central access point into the site from the highway with parking located within garages (which form the ground floor of the frontage units) and the central courtyard area to the rear.

The detached properties to the rear of the site would each have four bedrooms and would be single storey in form, with the coach houses to the road frontage built above the garages. Of the coach house units one would have a single bedroom, and the other two bedrooms.

ANALYSIS

The main issues in the determination of this application, as previously, relate to the policy context and principle of the development; affordable housing; flooding; impact of the development on heritage assets; design and layout; impact on highway safety, residential amenity, trees and ecology, and any other material considerations.

Policy Context

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-

to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined. There is no Neighbourhood Plan which covers the area.

Principle

Whilst the site is located within the village of Stoke Canon, in planning terms it is within countryside where policies of restraint apply. Strategy 7 (Development in the Countryside) of the Local Plan states that 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.

The Council's strategic 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.

Strategy 27- Development at the Smaller Towns and Larger Villages of the Local Plan, identifies settlements which offer a range of accessible services and facilities and which have reasonable public transport such that they can accommodate some additional development. Whilst Stoke Canon does offer a number of services to support daily living and has reasonable public transport, it is not considered to be a sustainable location for development due to the majority of the village being located within flood zone 2 or 3.

On the basis that the site falls outside of the built up area boundary of any defined settlement or a Strategic allocation within the Adopted Local Plan the development is considered to be contrary to the provisions of Strategy 7 (Development in the Countryside) and Strategy 27 (Development at the Small Towns and Larger Villages) of the East Devon Local Plan 2013-2031.

Strategy 35 (Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries) offers support for new mixed development where there is a proven local need demonstrated by an up to date housing needs survey. In assessing the specific need the policy identifies the grouping of geographic parishes. In respect of Stoke Canon, the parish is grouped with Brampford Speke, Huxham, Netherexe, Rewe and Upton Pyne. This arrangement allows needs to be grouped to maximise the potential opportunities for needs to be met.

A housing needs survey was undertaken on behalf of the applicant in support of the previous application. The survey involved a questionnaire being sent to 330 properties within the parish. It is understood that only 32 surveys were returned. The survey concludes that it identified the following needs in the parish:

Affordable housing: 1x 3bed home to rent
1x 4bed home to rent

Market housing: 1x 4 bed home
 5x 3 bed home
 4x 2 bed home
 1x 1 bed home

Following the refusal of the previous application the applicant has sought to overcome the reason for refusal by getting in touch with the Parish Council and attending a local Saturday market to raise awareness of the proposal. It is understood that two people expressed an interest and completed a questionnaire at the event. These questionnaires have been provided and suggest a need for a 1 or 2 bed affordable unit and a further 2 bed affordable unit. No details of engagement with the other grouped parishes has been submitted to support the proposal, or to identify any local housing need in this wider area of search.

Although not carried out independently and therefore raising some concerns about its legitimacy; if taken at face value the survey and subsequent work suggest a need for further housing in Stoke Canon. However the application as submitted has not been designed to meet the identified needs. It would potentially provide 1x 4 bed house as identified in the main survey. It could also meet the needs of the 2 subsequent questionnaire respondees in the form of the coach house units, however it is very unlikely that a registered provider would take on only two affordable units in this location and even then they would not usually take on units sited above garages serving other units that are outside of their control.

The proposal fails to satisfy the policy requirements of Strategy 35 and there is no policy support offered for the proposal under this strategy.

Affordable Housing

The site lies within the rural area, where Strategy 34 (District Wide Affordable Housing Provision Targets) requires appropriate affordable housing provision to be made, which in this instance would equate to 50% of all dwellings to be affordable, subject to viability considerations. This applies where the site is not being promoted as a rural exception site.

East Devon Planning Obligations Supplementary Planning Document was approved in 2017, and the Affordable Housing Supplementary Planning Document approved 2020. These documents require a contribution towards affordable housing, in this location for developments of over 6 dwellings.

The proposed development suggests that the two coach houses would be provided as affordable units, with one affordable rent and the other shared ownership, which are proposed to be taken on by a registered provider, although there is some doubt as to whether the very limited offer would be financially attractive to a registered provider in the current economic climate.

The site is not being promoted as an exceptions site under the provisions of Strategy 35 (Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries). This strategy requires the parish of Stoke Canon

to be considered in conjunction with the neighbouring parishes of Brampford Speke, Huxham, Netherexe, Rewe and Upton Pyne.

Instead it is suggested that the affordable housing proposed will largely meet a very localised need, based on a housing needs survey covering Stoke Canon village and its immediate surroundings. The survey work does not however demonstrate a need for the proposed development.

Viability information has been provided which demonstrates that the site is not financially capable of providing more on site affordable housing, and whilst this assessment has been found to be reasonable, the proposed development is not considered to be appropriate in this location as an exceptional circumstance which would override the significant objection to the proposal in terms of its location within flood zone 2 and 3.

Flooding

Sequential Test

Policy EN21 of the Local Plan requires a sequential approach to be taken in considering development within areas subject to river and coastal flooding, and directs new development, wherever possible to areas within flood zone 1. It requires that only if there is no reasonably available site in flood zone 1 (the lowest probability of flooding) will locating the development in flood zone 2 or flood zone 3 be considered.

Paragraphs 159-162 of the National Planning Policy Framework (NPPF) seeks, first and foremost, to guide development to land at lowest flood risk through the application of a sequential test.

The whole of the proposed residential development is located within Flood Zone 2/3. The NPPF and Planning Practice Guidance (NPPG) seek to steer new development to the areas with lowest probability of flooding through the application of the Sequential Test.

Whilst the EA do acknowledge that the published flood zone map may be revised in due course, this is not certain and therefore the Council must assess the proposal in the context of the site being located in flood zones 2/3 and apply the sequential test accordingly. In the event that the flood zone is revised, the draft modelling indicates that the site would only move from flood zone 3 to flood zone 2 and therefore the sequential test would still have to be satisfied.

Planning Practice Guidance (PPG) sets out circumstances in which the sequential test should not be applied to individual planning applications. These are sites that have already been allocated in development plans through the sequential test, applications for minor development or changes of use. Minor development in this context is defined elsewhere in PPG as being minor non-residential extensions, alterations (development that does not increase the size of buildings), and householder development. None of the above are relevant to this application.

Bearing in mind the policy aim to steer new development into areas at lowest risk from flooding it is considered that this application would not satisfy the sequential test on the basis that there are other areas in the district in sustainable locations where dwellings, including the affordable units could be provided in flood zone 1.

It is suggested that the sequential test search area should relate only to Stoke Canon on the basis that the application is intending to meet the needs of the parish only. The proposal is offering one shared ownership, and one affordable rented dwelling. Whilst this is commendable, it is not considered that the proposal would meet the requirements of the sequential test which, in considering development in East Devon should normally be applied to the whole of the District.

In our view the only way that the area search for the sequential test could be reduced is where it has been demonstrated that there is a need for affordable housing through a recognised housing needs survey in accordance with Strategy 34 (District Wide Affordable Housing Provision Targets) and Strategy 35 (Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries)

Following the refusal of the previous application a search of sites on the market has been undertaken extending to the grouped parishes, with a conclusion being reached that there are no available sites which could accommodate the proposed development which are at lesser risk of flooding.

It is the view of officers that whilst there are no sites being marketed within the grouped parishes, and the development of the site would be of some local benefit, providing 2 small affordable units, and would bring a currently sterile site into use, it would fail to comply with the affordable housing policies in the Local Plan, or the provisions of the NPPF. The majority of the development proposed would not meet a local need and it is unclear how the affordable units that would potentially meet a local need would be delivered at an affordable value. It has not therefore been demonstrated that the development is needed to sustain the local community or would provide such benefit to outweigh the identified harm. Bearing the above in mind it is not considered that the sequential test has been fully or robustly addressed.

Exceptions test

As the sequential test has not been satisfied there is no requirement to assess the exceptions test. However, notwithstanding this, the submitted information, and nature of the development is not considered to offer exceptional circumstances or wider sustainability benefits to the community which would outweigh the flood risk.

It is noted that the site would be raised and the development would provide floor levels of at least 22.29AOD and offer other mitigation measures such that the Environment Agency have indicated that the development could be made safe from flooding. The Environment Agency comments however come with a stark warning where they state:

“The LPA should be aware that there will be no safe access and egress to the site in the situation of the flood defences breaching or overtopping. The residents would therefore be trapped on site for the duration of flooding. Those in the single-story dwellings would not have a first floor area of safe refuge.”

It is clear that lives and property would still be put at risk by this development and LP Policy EN21, the Framework and PPG are clear that, development should not be introduced to flood risk areas where it can be avoided. It is concluded that the proposal is not in an appropriate location with regard to flood risk and the proposal conflicts with Policy EN21 and national policy in this regard.

Heritage Impact

The site is located almost opposite the grade I listed St Mary Magdalene's Church and therefore re-development of the site has the potential to affect the setting of this heritage asset. Under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a duty in favour of the desirability to preserve of heritage assets. Paragraphs 193, 194 and 196 of the NPPF deal with the assessment of harm to designated heritage assets and it advises that great weight should be given to an asset's conservation and this should be proportionate to the importance of the asset. Substantial harm to assets of the highest significance, including grade 1 and 2* listed buildings should be wholly exceptional. Policy EN9 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan states that development will only be permitted if it preserves the special architectural or historic interest of the building or its setting.

Due the close relationship between the site and the heritage asset, the views of the Council's Conservation Officer have been sought. They have advised that whilst the loss of the existing C19 cottage is regrettable, it cannot be controlled in this case. The principle of the re-development of the site does not present any significant concerns from a conservation perspective as the character of the village is defined by short terraces abutting the highway and the gaps either side of the existing building could accommodate a similar urban grain.

The submitted layout in terms of the design and form of the frontage development is considered to contribute a traditional and domestic appearance to the High Street. Subject to the use of appropriate materials and detailing this is considered to be acceptable.

The development to the rear is considered to be subservient in views from the church and whilst there will be some degree of visibility the recessive roof form minimises any potential conflict between the proposed development and the heritage asset.

It is considered that whilst the street scene and interrelationship between the church and the new buildings will be altered, the proposal will result in 'less than substantial harm' to the setting of the Grade I listed church in terms of the NPPF Paragraph 196, and that subject to appropriate materials and detailing the proposals would not have a negative impact on the historic heritage setting.

However, under the above paragraph this harm to a designated heritage asset also has to be balanced against the public benefits of the proposal. The public benefits here relate to the provision of additional housing, including some affordable housing (If deliverable and matched to identified needs) which would provide additional economic and social growth in this rural area. In this respect the proposed public benefits would outweigh the limited harm to the buildings setting, which results in a

less than substantial impact to its significance. On this basis there is no objection to the proposal in respect of heritage impact.

Design and Layout

A two tier design approach has been taken in respect of the proposed development, to reflect the topography of the site and its setting opposite the Grade I listed church on the opposite side of the road.

The more traditional roadside development of the coach houses is reflective of the existing development fronting the High Street, with similar materials and design features in the area. This is considered to be appropriate in this location.

The development to the rear has been designed to minimise any wider visual impact, whilst addressing the constraints of the site and the need to flood proof the proposed dwellings. The contemporary design is considered to be reasonable in this location and subject to appropriate materials is acceptable in this location.

The layout and internal arrangements are considered to be acceptable to provide a reasonable level of amenity for any future residents.

Highway Safety

The site is located on the inside of a bend on the A396, the Principal Traffic Route passing through Stoke Canon. The speed limit of the road in this location is understood to be 30 mph. DCC Highways raise no objections to the proposal on the basis that the site access and visibility splays are the same as that previously submitted and found to be acceptable from a highway safety perspective.

Despite the location of the site, the length of the site frontage combined with other physical features such as carriageway alignment and build outs, mean that adequate sight lines of 43 metres in each direction can be provided at the site access. On street parking would not be an option at this location as it is close to the village centre however it is considered that the amount of parking within the site is sufficient for the development.

Residential amenity

The site is surrounded by residential properties on all four sides with properties to the north and south.

The property to the north has windows with views towards the site albeit with mature trees in between, however it is not considered that the proposed development would have a significant impact in terms of visual intrusion or loss of outlook.

The properties to the west are in excess of 23 metres from the proposed houses and given their single storey form, and even when the site is raised it is not considered that there would be any substantive or material loss of amenity for the occupiers of these properties.

Church Cottage to the south is an end of terrace two storey property set at an angle to the site with its amenity area to the side closest to the site, a distance of around 20 metres would remain between the existing and proposed dwellings, and again whilst the site would be raised, given the proposed layout and form, the dwelling closest would not appear as overbearing such that it would have a detrimental impact on residential amenity.

Accordingly it is considered that the proposal would comply with that element of Policy D1 of the East Devon Local Plan.

Trees

There are no trees of any significance within the site, with the only vegetation of any note being that found on the northern boundary of the site, which is proposed to be retained. Subject to appropriate protection of this being provided and maintained, there is no objection to the proposal from an arboricultural perspective.

Ecology

A wildlife survey has been submitted with the application which surveyed the existing property, adjacent barn and garden area. No bats, reptiles or amphibians were found on site nor nesting birds although the garden area provided a good habitat for such species. The recommendations indicate no further work would be necessary but a precautionary approach taken to site clearance.

Accordingly, on any approval development could proceed in accordance with the recommendations and secured by condition.

Surface water

Devon County Council consider that subject to appropriate conditions the proposal is acceptable from a surface water drainage perspective. It is considered that these conditions could be requested by condition on any approval.

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 the 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.

Planning Balance

The proposed development would provide additional housing, including two affordable units, within the centre of the village which will make a contribution to the Councils housing supply at a time when there is a shortfall of new dwellings, and the Council is unable to demonstrate a deliverable 5 year housing supply.

The presumption in favour of sustainable development is a fundamental tenet of the NPPF with Paragraph 11 requiring that

*“For **decision-taking** this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

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.

**This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.*

The latest Housing Monitoring Update has found that the Council is facing a shortfall in the delivery figures, and that as a result new development in sustainable locations may be acceptable even where they lie beyond the existing development boundaries.

However the wording of paragraph 11 requires that decisions should apply a presumption in favour of sustainable development where the policies which are most important for determining the application are out of date, with paragraph 11(d) stating that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 to paragraph 11 clarifies that the policies referred to would include those in the Framework relating to areas at risk of flooding.

It is considered that the proposed development would conflict with paragraphs and policies from the Framework related to flood risk, which for the reasons already set out provide a clear reason for refusing the development proposed. As a consequence, even in the event that the Council is unable to demonstrate a deliverable 5-year supply of housing land, the location of the site is not considered to be sustainable.

The provision of additional dwellings to the local housing market would make a modest contribution to the shortfall in housing land supply and provide some affordable housing. The local economy would also have the potential to benefit through the creation of jobs during the construction period and expenditure from additional residents.

However it is considered that the potential benefits of the proposal, or the lack of technical objections outweigh the harm in terms of allowing more vulnerable development within an area identified as being at risk of flooding.

CONCLUSION

The proposal fails to accord with the East Devon Local Plan and guidance and advice contained in the National Planning Policy Framework and as such is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development lies within a village/settlement that is not envisaged for housing growth over the lifetime of the Local Plan, principally because the majority of the settlement lies within flood zones 2 and 3 on the Environment Agency Flood Map where there is a high risk of flooding. It is considered that there are other reasonably available sites within the district of East Devon with a lower probability of flooding than the application site that would be appropriate for the type of 'more vulnerable' residential development proposed. It is not considered that the proposal would bring about wider sustainability benefits for the community that would outweigh the flood risks for the buildings and potential occupiers over the lifetime of the buildings on a site in flood zones 2 and 3. The proposal is therefore contrary to Strategy 7 (Development in the Countryside), Strategy 27 (Development at the Small Towns and larger Villages) and Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan and guidance within the National Planning Policy Framework and National Planning Policy Guidance.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

A.20 : Unit 5	Proposed Elevation	06.05.22
A.19 : Unit 5	Proposed Elevation	06.05.22
A.18 : Unit 4	Proposed Elevation	06.05.22
A.17 : Unit 4	Proposed Elevation	06.05.22
A.16 : Unit 3	Proposed Elevation	06.05.22
A.15 : Unit 3	Proposed Elevation	06.05.22
A.14 : Unit 2	Proposed Elevation	06.05.22
A.13 : Unit 2	Proposed Elevation	06.05.22
A.12 : Unit 1	Proposed Elevation	06.05.22
A.11 : Unit 1	Proposed Elevation	06.05.22
A.10 : Unit 7	Proposed Floor Plans	06.05.22
A.05 : Proposed site elevations	Other Plans	06.05.22
A.04 : Proposed site elevations	Other Plans	06.05.22
A.03 : Proposed site elevations	Other Plans	06.05.22
A.02	Proposed Site Plan	06.05.22
A.01	Proposed Block Plan	06.05.22
T.02	Location Plan	24.05.22
A.23 : N/S Coach House	Proposed Elevation	24.05.22
A.22 : E/W South Coach House	Proposed Elevation	24.05.22
E/W North Coach House	Proposed Elevation	24.05.22
A.09 : Unit 6	Proposed Floor Plans	24.05.22

A.08 : Units 1-5 Proposed Floor Plans 24.05.22

List of Background Papers

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