

## **PLANNING COMMITTEE**

Monday 28 March 2022

### **Present:-**

Councillor Emma Morse (Chair)

Councillors Williams, Bialyk, Denning, Hannaford, Mrs Henson, Lights, Mitchell, M, Moore, D and Sutton

### **Also Present**

Service Lead for City Development, Principal Project Manager (Development) and Acting Major Projects Team Leader (MD), Planning Solicitor, Development Manager Highways and Transport and Democratic Services Officer (HB)

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### **MINUTES**

The minutes of the meeting held on 21 February 2022 were taken as read, approved and signed by the Chair as correct.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

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### **PLANNING APPLICATION NO. 21/0020/OUT - LAND OFF PENDRAGON ROAD, EXETER**

The Principal Project Manager and Acting Major Projects Team Leader presented the outline planning application for a residential development of up to 100 dwellings and associated infrastructure (All matters reserved except access) - Revised plans and additional information received.

The Principal Project Manager and Acting Major Projects Team Leader described the layout and location of the site through the site location plans, aerial views and photos of the site and panoramic views from and to other parts of the city, the report presented setting out the following key issues:-

- impact on Landscape Setting, character and local distinctiveness of the hill to the north of the city;
- loss of open space;
- access and impact on local highways and parking provision;
- affordable housing;
- design;
- impact on trees and biodiversity;
- archaeology;
- contaminated land;
- impact on air quality;
- flood risk and surface water management;
- sustainable construction and energy conservation; and
- CIL, development plan, material considerations and presumption in favour of sustainable development.

The Principal Project Manager (Development) and Acting Major Projects Team Leader provided the following additional detail:-

- the proposal was to develop up to 100 dwellings on the site with associated infrastructure. An illustrative layout drawing had been provided indicating 64 dwellings constructed on the west field and 36 dwellings constructed on the east field with public open space indicated on the upper parts of the site to the north of the housing;
- the site was unallocated lying within the Landscape Setting area shown on the Core Strategy Key Diagram and on the Proposals Map of the Local Plan First Review. The southern part of the site and hedge-bank to the south were part of a Site of Nature Conservation Interest (SNCI);
- a “Fringes Study” of 2007 indicated the housing use capacity;
- the site was part of the North Exeter Wooded Hills and Meadows ‘Habitat Reservoir’ of the Green Infrastructure Study and of the Green Infrastructure Strategy - Phase II;
- the access plans showed two access points into the site from Pendragon Road for vehicles and pedestrians. Another pedestrian/cycle access was proposed from/to Mile Lane in the southwest corner of the site where there was an existing informal access. Roads and footways led from the access points into each field; and
- in February 2022 the applicant had offered to provide 50% of the dwellings as affordable housing, whereas previously the offer had been 35% in accordance with Policy CP7.

The Principal Project Manager and Acting Major Projects Team Leader in conclusion stated that the application was recommended for refusal for the reasons set out in Section 18 of the report. He confirmed that no additional reasons for refusal were recommended regarding the access arrangements following confirmation by Devon County Council in its role as Local Highway Authority that access details could be dealt with by planning condition. In respect of drainage, the Principal Project Manager and Acting Major Projects Team Leader considered that this could also be dealt with by planning condition despite no response from Devon County Council in its role as Lead Local Flood Authority to a re-consultation.

Responding to a query from a Member regarding pedestrian and cyclist safety, the Development Manager Highways and Transport advised that the environment around the accesses to the development would be suitable for all users.

Councillor Allcock, having given notice under Standing Order No. 44, attended the meeting and spoke on the item. She raised the following points:-

- the development has caused huge concern among residents of Beacon Heath with over 220 objections with a group of residents meeting every Sunday night for over a year to discuss their concerns;
- it is regrettable to oppose an application which includes affordable housing given that social housing waiting lists are growing. To provide housing would require compromises on biodiversity, public open space and the environment and create irrecoverable harm. It is an inappropriate and unsustainable place to build;
- in terms of harm to the landscape character, this application is one in a series that has come forward in recent years to develop the distinctive, rural northern hills, the most recent being on land adjacent to Celia Crescent which was refused. The ridgeline is subject to protection from harm in several policy documents including paragraph 4 of the Core Strategy;

- the two fields concerned in this application– “the bus stop fields”- are situated on especially sensitive land on this ridgeline. They occupy an elevated position and enjoy long distance views across the city to the Exe Estuary. They have a strong rural character and are sandwiched between two valley parks - Mincinglake to the West and Savoy Hill to the East - and adjoin the ancient, rural greenway of Mile Lane which, alongside Mincinglake, is a designated Site of Nature Conservation Importance (SNCI);
- the site lies within landscape setting land and classified as Zone 3 within the 2007 Exeter Fringes Study, meaning it has “no capacity for housing because of its prominence, rural character and intrinsic sensitivity”. This character and distinctiveness of the site are therefore protected from harm under Policy CP16, which was confirmed as carrying full weight by the Pennsylvania appeal decision of January 2022. The development would protrude beyond the natural urban edge of the city, disrupt hitherto expansive countryside views from the site’s neighbouring country parks and effectively destroy part of the city’s rural back drop. There are parallels to be drawn between both sites and therefore the appeal decision is a material consideration;
- in terms of the loss of open space, private land can also be recognised as publicly accessible space in planning terms. Such is the case for this site, which has been freely used by residents for recreation for generations;
- some residents have described walking on these fields for over sixty years and had not recalled seeing a fence around the land in all this time. That was, until January 2021, when the planning application was submitted. The fields are an important sanctuary for residents, providing space from claustrophobic flats and helping with physical and mental health;
- with a growing population, green spaces are under growing strain and piecemeal development chips away at their ecological value setting a dangerous precedent;
- the site is a biodiversity haven and an important wildlife corridor for the neighbouring Mincinglake Valley Park and the southern hedgebank is part of a SNCI. Surveys of protected species found at least 11 bat species using the site for foraging and commuting. The fields are also home to a broad array of established trees;
- significant harm will be caused by the removal of many trees to create accesses from Pendragon Road. The removal of trees from the southern treed hedgebank would weaken the applicant’s proposed mitigation of creating dark buffer areas to maintain connectivity for bats;
- in terms of harm to the environment and social sustainability, the high hills in this part of the city, coupled with the scarcity of local amenities and unreliable public transport, mean that any housing development in this area will necessarily be car-led as evidenced by the applicant’s Transport Statement with two parking spaces being provided per house conflicting with Local Plan Policy T10 which imposes a maximum of 1.5 spaces per dwelling. The Highways Authority also commented that the Transport Statement underestimated the number of additional peak hour movements that would be generated by this development. Devon Highways state that, given the climate emergencies declared by both the City and County Council’s, regard should be had to promote sustainable transport modes;
- the Exeter Cycling Campaign highlights that the cycling infrastructure referenced in the Transport Statement is 700 metres away from the site on Beacon Lane, requiring a journey down the narrow roads of King Arthur’s or Lancelot;
- although there may be a bus stop near the site a private company cannot be relied on to make this application sustainable;
- this development will create more congestion and emissions and undermine Net Zero goals and would be against Core Strategy objectives that seek to limit the use of fossil fuels, encourage walking and cycling and reduce car dependency;

- social sustainability will not be improved. The local infrastructure is at its limit, as it is struggling to accommodate a high-volume of already approved developments. The local secondary school is full and GP surgeries are concerned that they will be unable to sustain care without significant infrastructure investment;
- there is a responsibility towards current and future residents that well-connected, healthy and sustainable communities are built to reflect the Council's strategic priorities to build great neighbourhoods;
- the development would put further strain on already overstretched amenities, would harm the Council's Net Zero goals, undermine plans for increasing wellbeing and active travel, and fly in the face of the longstanding commitment to steer development away from the rural ridgeline. These aims will be achieved through the Council's Liveable Exeter Programme. With brownfield sites clearly identified, approving greenfield development now would clearly be contrary to the sequential approach committed to under Policy H1;
- the Pennsylvania appeal was dismissed despite the city not having a full five year housing supply. Similarly, the threat this development poses to the landscape, biodiversity, open space and the environment significantly outweigh its limited benefits; and
- affordable housing should be delivered on previously developed land, where residents are connected to the city and its amenities and not isolated on top of a hill without means of transport or sense of community.

Dr Clare Maudling spoke against the application. She raised the following points:-

- representing the views of the Beacon Heath community to voice their concerns about the loss of green space, the detrimental effect on the visual landscape of the city, biodiversity and the valley parks, the exacerbation of existing pressure on local services and amenities and the car-centric nature of the development;
- the community of Beacon Heath have used the fields for generations for recreation and wellbeing. "Bus stop fields" also provides a valuable wildlife corridor between the Mincinglake and Savoy Hill Valley Parks;
- recently, gates and fencing were erected and the vegetation stripped and cut;
- with Exeter growing every year, green space is increasingly valuable and development on a wildlife corridor and wellbeing space should be refused;
- building on this site will destroy the green skyline of the city;
- transport difficulties will result and the site is not suitable for green travel, being at the top of a hill making walking and cycling difficult;
- amenities are not within walking distance and some are no longer operational;
- additional traffic on already busy and congested roads will exacerbate existing problems and public transport links are not as good as stated;
- residents are also aware that schools and GP surgeries are already at capacity and are concerned about the detrimental effect that further housing will have;
- the development takes Exeter further away from its targets in improving health, reducing pollution and meeting Net Zero 2030;
- while the offer of additional social and affordable housing is welcome, the application does not uphold City Council housing standards; and
- the people of Beacon Heath urge the Council to stay true to their heritage and continue to provide housing which meets the aim of a 'Liveable Exeter' by refusing this application.

Cathryn Newberry, who had wished to speak in support of the application, was unable to attend. Her statement below was read out by the Chair:-

- the land is, and has always been, privately owned and been in the same family since the 1950's and had been actively farmed with stock grazing on both fields. At that time, the only entry was through Mile Lane, a one farm gateway;
- it was not until the homes were built on the estate that the anti-social behaviour began. Youths breaking into the fields, drug taking and riding motor bikes etc. around the fields, generally causing nuisance and damage and it is on public record that the Police were called on many occasions regarding this. Harvesting carried out was disrupted by fire overnight which was classed as criminal damage by the Police;
- after gates and new fencing were provided at great expense they were broken down time again. The Police attitude was if it was repaired it would be damaged to gain entry and anti-social behaviour would continue. The land has been impossible to farm since;
- the local public have Mincinglake Park, which is a vast and well managed area - why do they consider our 17.75 acres of land should belong to them too? The local residents should bear in mind the homes they live in were fields back in the fifties;
- the land is very poor-quality agricultural land, more suitable to building new homes, especially affordable homes rather than building homes on good quality agricultural land as is happening around the City of Exeter; and
- if the Council insist no homes, not even affordable homes so desperately needed, be developed on this land what is the way forward to be? Solar Panels or Wind Turbines perhaps?

Members expressed the following views:-

- offer of 50% affordable housing raises the question of why other developers are unable to exceed the 35% affordable housing policy and whether such an offer in this case is economically viable;
- the location of the suggested affordable homes was unclear and could be concentrated in one area rather than distributed throughout the site;
- applicant has failed to meet the concerns of the Devon and Somerset Fire and Rescue Service;
- inadequate bus service for the area;
- development will increase air pollution as it is a car-centric development with two cars per dwelling exceeding the policy standard and few improvements are offered towards biodiversity;
- play areas are poorly located;
- topography of the area is unsuitable and those living there would be within an isolated community; and
- the City Council has always sought to protect the green hills around Exeter.

The recommendation was for refusal for the reasons as set out in the report.

The recommendation was moved and seconded and, following a vote, was carried unanimously.

**RESOLVED** that outline planning application for a residential development of up to 100 dwellings and associated infrastructure (All matters reserved except access) - Revised plans and additional information received be **REFUSED** for the following reasons:-

1. The proposed development conflicts with Policy CP16 of the Exeter Core Strategy and saved Policies H1 and LS1 (in so far as it require proposals to maintain local distinctiveness and character) of the Exeter Local Plan First Review 1995-2011, as it would significantly harm the character and local

distinctiveness of the hills to the north of Exeter, and the landscape setting of the City by breaching the natural boundary feature (the tree'd hedgebank north of Pendragon Road) that forms the clear edge to the urban area and being an incongruous, piecemeal development into the rural hinterland of the City on a greenfield site that has a strong rural character contributing significantly to the character and local distinctiveness of the hills to the north of the City. The proposed development would therefore also be contrary to paragraphs 130 c) and 174 a) b) of the National Planning Policy Framework (2021).

2. The open space on the site fulfils a valuable recreational, community, ecological and amenity role to local residents and visitors and its loss would harm the character of the area. Replacement open space of equivalent or better quantity and quality would not be secured in a suitable location, therefore the proposed development conflicts with saved Policy L3 of the Exeter Local Plan First Review 1995-2011 and paragraph 99 of the National Planning Policy Framework (2021).
3. The access roads into the site would have a significant impact on the tree'd hedgebank along the southern boundary of the site and the Site of Nature Conservation Interest that connects Mincinglake Plantation County Wildlife Site to the west and Savoy Hill County Wildlife Site to the east along the southern edge of the site, through the removal of sections of hedgebank and trees, and lighting from the development. The proposed development is therefore contrary to Policy CP16 of the Exeter Core Strategy which protects the biodiversity value of all sites of local conservation importance, including Sites of Nature Conservation Interest, and saved Policy LS4, which only allows harm to such sites if the need for the development is sufficient to outweigh nature conservation considerations. The need does not outweigh the nature conservation considerations in this case.
4. The access roads into the site would have a significant impact on the tree'd hedgebank along the southern boundary of the site and therefore would not integrate into the existing landscape of the City including its natural features and ecology. They would not be sympathetic to the character of the area or its sense of place. The proposed development therefore conflicts with saved Policy DG1 c) of the Exeter Local Plan First Review 1995-2011, paragraph 4.4 (III) of the Residential Design Supplementary Planning Document and paragraph 130 c) of the National Planning Policy Framework (2021) requiring developments that are sympathetic to local character and history, including landscape setting.
5. In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority which makes provision for the following matters:
  - 35% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate).
  - Public open space, including LAPs indicated on illustrative layout.
  - Management company to manage/maintain public open space on the site including LAPs.
  - £395,000 toward mitigation measures in Pinhoe Area Access Strategy 2019 Addendum.
  - Up to £5,000 for Traffic Regulation Order.
  - £3,558.75 per dwelling towards new secondary school provision at South West Exeter.
  - £584 per dwelling towards patient space at GP surgeries.

- £370 per bedroom (excluding the first bedroom) to fund the improvement and additional maintenance of the existing off-site play area at Pendragon Road Play Area.
- £112 per bedroom (excluding the first bedroom) towards the improvement and additional maintenance of Pendragon Road MUGA.

the proposal is contrary to Exeter Core Strategy Policies CP7, CP9 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4 and DG5, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

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### **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Deputy Chief Executive was submitted.

**RESOLVED** that the report be noted.

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### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

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### **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 15 March 2022 at 9.30 a.m. The Members attending will be Councillors Morse, Sparkes and Sutton as necessary.

(The meeting commenced at 5.30 pm and closed at 6.20 pm)

Chair