

PLANNING

Date: Monday 28 March 2022
Time: 5.30 pm
Venue: Guildhall, High Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

Due to the current social distancing restrictions brought about by the Corona Virus outbreak, any members of the public wishing to attend the meeting please contact the Democratic Services Team committee.services@exeter.gov.uk in advance as there is limited capacity for public attendance. **Priority however will be given to those addressing the Committee under the public speaking provisions on the basis of one supporting and one opposing an application.** If you wish to speak under these provisions or have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

The recording of the meeting will be uploaded onto YouTube as soon as possible.

Membership -

Councillors Morse (Chair), Williams (Deputy Chair), Bialyk, Branston, Denning, Hannaford, Mrs Henson, Lights, Mitchell, M, Moore, D, Sparkes and Sutton

Agenda

Part I: Items suggested for discussion with the press and public present

1 Apologies

To receive apologies for absence from Committee members.

2 Minutes

To approve and sign the minutes of the meeting held on 21 February 2022.

(Pages 5 -
16)

3 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

Public Speaking

Public speaking on planning applications and tree preservation orders is permitted at this Committee. Only one speaker in support and one opposed to the application may speak and the request must be made by 10 am on the Thursday before the meeting (full details available on request from the Democratic Services Officer).

5 **Planning Application No. 21/0020/OUT - Land off Pendragon Road, Exeter**

To consider the report of the Deputy Chief Executive.

(Pages 17
- 92)

6 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Deputy Chief Executive.

(Pages 93
- 116)

7 **Appeals Report**

To consider the report of the Deputy Chief Executive.

(Pages
117 - 118)

8 **SITE INSPECTION PARTY**

To advise that the next Site Inspection Party will be held on Tuesday 12 April 2022 at 9.30 a.m. The Councillors attending will be Councillors Morse, Sparkes and Sutton.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 25 April 2022** at 5.30 pm.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265107 for further information.

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Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.

Planning Acronyms used in the Planning Application Reports are set out below:-

The following list explains the acronyms used in Officers reports:

AH	Affordable Housing
AIP	Approval in Principle
BCIS	Building Cost Information Service
CEMP	Construction Environmental Management Plan
CIL	Community Infrastructure Levy
DCC	Devon County Council
DCLG	Department for Communities and Local Government: the former name of the Ministry of Housing, Communities & Local Government
DfE	Department for Education
DfT	Department for Transport
dph	Dwellings per hectare
ECC	Exeter City Council
EIA	Environment Impact Assessment
EPS	European Protected Species
ESFA	Education and Skills Funding Agency
ha	Hectares
HMPE	Highway Maintainable at Public Expense
ICNIRP	International Commission on Non-Ionizing Radiation Protection
MHCLG	Ministry of Housing, Communities & Local Government
NPPF	National Planning Policy Framework
QBAR	The mean annual flood: the value of the average annual flood event recorded in a river
SAM	Scheduled Ancient Monument
SANGS	Suitable Alternative Natural Green Space
SEDEMS	South East Devon European Sites Mitigation Strategy
SPA	Special Protection Area
SPD	Supplementary Planning Document
SPR	Standard Percentage Runoff
TA	Transport Assessment
TEMPro	Trip End Model Presentation Program
TPO	Tree Preservation Order
TRO	Traffic Regulation Order
UE	Urban Extension

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PLANNING COMMITTEE

Monday 21 February 2022

Present:-

Councillor Emma Morse (Chair)

Councillors Williams, Bialyk, Denning, Lights, Martin, A, Mitchell, M, Moore, D, Sparkes and Sutton

Apologies

Councillors Branston, Buswell and Mrs Henson

Also Present

Service Improvement Lead for City Development, Principal Project Manager (Development) (MD), Development Manager Highways and Transport and Democratic Services Officer (HB)

1

MINUTES

The minutes of the meeting held on 15 November 2021 were taken as read, approved and signed by the Chair as correct.

2

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

3

PLANNING APPLICATION NO. 19/1709/FUL - LAND AT PINBROOK COURT, PINHOE ROAD/VENNY BRIDGE ROAD, EXETER

The Principal Project Manager and Acting Major Projects Team Leader presented the application for the Construction of Class E(a) foodstore (Use Classes Order 2020, previously Class A1) with associated parking, landscaping and access works - (Further Revised Plans).

The Principal Project Manager and Acting Major Projects Team Leader described the layout and location of the site through the site location plans, aerial view and site photos. Previously, there had been a number of buildings on the site that had been used for employment purposes, but these were demolished before the application was submitted in 2019.

The report set out the following key issues:-

- the principle of development;
- access and impact on local highways and parking provision;
- parking, design and landscape;
- impact on amenity of surroundings and trees and biodiversity;
- contaminated land;
- impact on air quality;
- flood risk and surface water management;
- sustainable construction and energy conservation; and
- 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:-

- Gross External Area of 1,997 square metres/Gross Internal Area of 1,900 square metres and a Sales Floor of 1,200 square metres;
- car park with 104 parking spaces, including seven disabled spaces and two electric vehicle charging spaces;
- a vehicle access off Venny Bridge;
- pedestrian/cycle access off Pinhoe Road next to store entrance;
- a new signalised junction at Pinhoe Road and Venny Bridge;
- Toucan crossings (pedestrian and cycle usage) installed across Pinhoe Road and Venny Bridge at junction;
- staff and customer cycle parking - proposed condition 18 requires additional parking for cargo bikes and facility for electric bikes; and
- soft landscaping - proposed condition 13 requires tree planting as part of soft landscape works.

The Principal Project Manager and Acting Major Projects Team Leader further reported that the proposal passed the main town centre uses sequential test, but failed the flood risk sequential test, however this was considered to be outweighed by the sustainability benefits, which were considered to carry significant weight in the overall planning balance. The proposal would include Sustainable Drainage Systems (SUDS) reducing the risk of flooding on the site and downstream.

The site was located within walking/cycling distance of a large number of new and existing dwellings and the planned improvements to the Pinhoe Road/Venny Bridge junction making it signalised and incorporating Toucan crossings which was supported by the Highways Authority. This would make the junction safer for all users despite a predicted impact on traffic flows along Pinhoe Road in the PM peak in 2024.

The proposal would bring a vacant, brownfield site back into use and generate up to 40 permanent jobs and its accessibility would support the Council's ambition of the City becoming net zero carbon by 2030.

The Development Manager Highways and Transport responded as follows to Members' queries:-

- the impact of an additional set of traffic lights combined with those at both the Sainsbury's and Aldi junctions had been taken into account in considering the viability, including the consideration of the safety of pedestrians and cyclists;
- both Toucan junctions would allow a full crossing movement for pedestrians and cyclists; and
- generally, new superstores did not generate more traffic but re-distribute existing traffic and what redistribution took place would have the impact of similarly redistributing pollution.

The Principal Project Manager and Acting Major Projects Team Leader responded as follows to Members' queries:-

- whilst there could be some queuing of vehicles into the store there was some distance from the car park to residential houses and pollution would therefore be dissipated;
- full consultation was undertaken on the various revised schemes including the weekly and press lists, on site notices and the web;

- in respect of air quality, the Air Quality Assessment was based on the Traffic Impact Assessment which had taken into account cumulative traffic impact; and
- it was the intention to amend condition 18 to increase the number of cycle parking from 12 (six for staff and six for visitors) spaces to comply with the Sustainable Traffic Supplementary Planning Document.

Councillor Wood, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- given the increase in population, a new retail outlet is welcome, however the proposed location is poor;
- in spite of junction improvements, pedestrian safety may still be compromised;
- potential dangers to pedestrian and vehicles crashing into the Chancel Lane brick bridge;
- do not agree with the statement in respect of the failure of the flooding sequential test being overcome by the wider material benefits of the scheme;
- insufficient bus stops in the area and there is no bus service to the site;
- a 10% excess of capacity on the roads is not acceptable on balance; and
- further consultation would have been appropriate.

He responded as follows to Members' queries:-

- consider that air pollution in the area will not be improved as a result of increased traffic standstill at the junction and unforeseen rat runs to the M5; and
- offering local experience of the area rather than technical evidence.

Victoria George-Taylor spoke in support of the application. She raised the following points:-

- provides a new signalised junction at Venny Bridge and Pinhoe Road which will address the existing safety issues for all users and mitigate against the impact of the development. The junction will prioritise pedestrian and cycle movements through providing new Toucan crossings across Pinhoe Road and Venny Bridge;
- the application will bring back into use a vacant brownfield site which Lidl have owned for two years;
- if approved, the new store will create 40 jobs at the site;
- the store will be within walking distance of new housing to the south of Pinhoe Road, as well as to existing residential areas, therefore offering opportunities for sustainable travel;
- though the application fails the flooding sequential test it will improve the site which had been previously laid to hard standing and provided no attenuation for surface water. The proposed scheme includes SUDS to manage surface water run off which will reduce the risk of flooding on the site and downstream. There is therefore no negative impact and the failure of the flooding sequential test is overcome by the wider material benefits of the scheme;
- the design of the store has been amended, to push the building back into the site to respect the existing building line on Pinhoe Road and to include brick elevations in line with the local vernacular. Soft landscaping, including replacement trees, will also be provided;
- it is not considered that the concentration of retail units in a particular area could be considered a robust reason for refusal;
- Lidl's external legal team believe that the report and recommendation is robust and defensible to third party challenge in all regards; and
- no objections have been received from any statutory consultee.

She responded as follows to Members' queries:-

- vehicles servicing the store had been fully tracked and, as the larger articulated lorries would have difficulty in manoeuvring around the junction, smaller vehicles would be used;
- only Lidl owned vehicles would serve the store, including vehicles removing waste;
- it would be made clear to contractors at construction stage to approach only via the main road - this would be a direct route from the Lidl depot on the outskirts of the city;
- as the site was not within the Air Quality Management Area the national planning policy framework in respect of cumulative air quality impact had not been relevant; and
- Sheffield stainless steel bicycle racks would be supplied and consideration would be given to increasing the number. Facilities for Cargo-bikes would also be considered.

Members expressed the following views:-

- previous use of site was for smaller units, a large store offered an improved use;
- improved crossings for cyclist and pedestrians is to be welcomed as is the provision of cycle storage on site which, hopefully, can be increased;
- site is accessible from a number of surrounding homes by means of pleasant walking routes;
- the provision of a third large retail store is welcome and appropriate given the significant increase in housing in the area; and
- regard had been made to green travel and the proposal is sustainable.

The recommendation was for approval, subject to the conditions as set out in the report.

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

RESOLVED that planning permission be granted for the Construction of Class E(a) foodstore (Use Classes Order 2020, previously Class A1) with associated parking, landscaping and access works - (Further Revised Plans), subject to the following conditions.

1. Standard Time Limit – Full Planning Permission

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this consent:

- Site Location Plan (18052 AD_100_Rev A)
- Proposed Site Layout (18052 AD_110 V)

- Proposed Building Plan (18052 AD_111 D)
- Proposed Roof Plan (18052 AD_112 E)
- Proposed Elevations (18052 AD_113 F)
- Proposed Boundary Treatments (18052 AD_114 Q)
- Proposed Site Finishes (18052 AD_115 P)
- Proposed Landscape Design & Specification (18052 AD_116 J)
- Proposed Street Scene (18052 AD_123 F)
- Proposed Site Layout (For Environment Agency) (18052 AD_210 H)
- Proposed Pinhoe Rd/ Venny Bridge Signalised Junction Arrangement (103226-SK-012 F)

Reason: To ensure the development is constructed in accordance with the approved plans, unless modified by the other conditions of this permission.

Pre-commencement Details

3. Contaminated Land

No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The store shall not commence trading until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: In the interests of the amenity of the users of the building hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

4. Watercourse Maintenance Plan

No development shall be commenced until a Watercourse Maintenance Plan for the open Pin Brook adjoining the rear of the site has been submitted to and approved in writing by the Local Planning Authority. This plan shall include remediation works to remove vegetation, extend the concrete scour protection and improve the condition of the wall to maintain its long-term durability. The agreed works are to be completed prior to the occupation of the approved store.

Reason: To ensure the watercourse is maintained to an appropriate standard in the interests of reducing the risk of flooding. These details are required pre-commencement as specified to ensure that the Plan is fit for purpose and can be implemented prior to the occupation of the store.

5. Surface Water Drainage

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- a) A detailed drainage design based upon the approved LiDL Pinbrook Flood Risk Assessment (Report Ref. HLEF75035, Rev. 9, dated 17 March 2021);
- b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted;
- c) Proposals for the adoption and maintenance of the permanent surface water drainage system;
- d) A plan indicating how exceedance flows will be safely managed at the site.

The building hereby permitted shall not commence trading until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above condition is 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.

6. District Heating Network

Unless it is agreed in writing by the Local Planning Authority prior to commencement of development that it is not viable or feasible to do so, the building hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that its internal systems for space and water heating are capable of being connected to the local decentralised energy district heating network. Prior to occupation of the development, the necessary on site infrastructure (including pipework, plant and machinery) for connection of those systems to the network in a manner agreed in writing by the Local Planning Authority shall be put in place.

Reason: To ensure that the proposal complies with Policy CP13 of Council's Adopted Core Strategy and paragraph 157 of the NPPF (2021) in the interests of delivering sustainable development. If it is not viable or feasible this information must be agreed by the Local Planning Authority prior to commencement of development to explore alternative solutions resulting in the same or better carbon reduction in accordance with Policy CP13.

7. BREEAM

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve a BREEAM excellent standard (minimum 70% score) as a minimum. Prior to commencement of development, the developer shall submit to the Local Planning Authority a BREEAM design (interim) stage assessment report, to be written by a licensed BREEAM assessor, which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required, the developer shall provide, prior to the commencement of development of the building, details of what changes will be made to the building to achieve the minimum standard for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

8. Construction Method Statement

No development (including ground works) shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The document shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent of the Local Planning Authority.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason: To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

9. Waste Audit Statement

Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

During Construction

10. Unsuspected Contamination

If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately for the protection of future occupiers and of controlled waters.

Pre-Specific Works

11. Materials

Prior to the construction of the building hereby approved (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

Reason: In the interests of good design and the character and appearance of the area, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review, and paragraphs 130 and 135 of the NPPF (2021).

Pre-trading

12. Biodiversity Enhancement Plan

Prior to the commencement of trading from the store hereby approved, a Biodiversity Enhancement Plan (BEP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The BEP shall be implemented as approved.

Reason: In the interests of biodiversity and good design in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 130 and 180 of the NPPF (2021).

13. Detailed Landscaping Scheme

Prior to the commencement of trading from the store hereby approved, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including tree planting, and all boundary treatments. The hard landscaping shall be constructed as approved prior to the occupation of the development. The soft landscaping shall be planted in the first planting season following the occupation of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of good design in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraphs 130 and 131 of the NPPF (2021).

14. LEMP

Prior to the commencement of trading from the store hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

The landscape on the site shall be managed in accordance with the approved LEMP.

Reason: In the interests of biodiversity and good design in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 130 and 180 of the NPPF (2021).

15. Noise Barrier

Prior to the commencement of trading from the store hereby approved, details of the noise barrier referred to in paragraph 6.2 of the submitted Noise Impact Assessment (Ref. 7984/ARD) (October 2019) shall be submitted to and approved in writing by the Local Planning Authority. The barrier shall be constructed prior to occupation of the development and maintained at all times thereafter.

Reason: In the interests of the amenity of neighbouring properties.

16. Access 1

The store hereby approved shall not commence trading until the vehicular access points and footway on Pinhoe Road / Venny Bridge as indicated on Drawing Number 103226-SK-012 F ('Proposed Pinhoe Rd / Venny Bridge Signalised Junction Arrangement') have been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the NPPF (2021) and Policy CP9 of the Core Strategy.

17. Access 2

The store hereby approved shall not commence trading until the vehicular access on Venny Bridge as indicated on Drawing Number 103226-SK-012 F ('Proposed Pinhoe Rd / Venny Bridge Signalised Junction Arrangement') has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the NPPF (2021) and Policy CP9 of the Core Strategy.

18. Cycle Parking

The store hereby approved shall not commence trading until cycle parking for staff and customers has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. This shall include cycle parking for cargo bikes and a facility for electric bikes, as well as normal bicycles. The cycle parking shall be maintained at all times thereafter.

Reason: To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review, the Sustainable Transport SPD and paragraph 112 of the NPPF (2021).

19. Travel Plan

The store hereby approved shall not commence trading until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

Reason: To encourage travel by sustainable means, in accordance with saved Policy T3 of the Local Plan First Review and the Sustainable Transport SPD.

20. Electric Vehicle Charging Points

The store hereby approved shall not commence trading until the two electric vehicle charging parking spaces shown on drawing number 18052 AD_110 V ('Proposed Site Layout') have been provided in accordance with details of the charging points previously submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging parking spaces/points shall be maintained at all times thereafter.

Reason: To ensure that this aspect of the application is delivered and in the interests of encouraging sustainable travel in accordance with the Sustainable Transport SPD and paragraph 112 of the NPPF (2021).

21. CCTV

Prior to the commencement of trading from the store hereby approved, a strategy for the distribution and management of CCTV on the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location and design of CCTV cameras, which should be integrated in an unobtrusive manner. The strategy shall be implemented as approved prior to the commencement of trading and maintained thereafter.

Reason: In order to help prevent/detect crime, disorder and anti-social behaviour in accordance with the advice of the Police Designing Out Crime Officer and saved Policy DG7 of the Exeter Local Plan First Review.

Post Occupancy

22. Restrict Sale of Comparison Goods

The net retail floor space of the store hereby approved shall be limited to 1,200 sq m. No more than 20% of the net retail floor space of the store hereby approved shall be devoted to the sale and display of comparison goods.

Reason: To maintain the premises as a foodstore selling predominantly convenience goods in accordance with the information submitted with the application, including the sequential test where the catchment area of the premises was limited to that of a medium sized foodstore, in the interests of the vitality of centres in the City and sustainable development.

23. Plant Noise Limits

The total mechanical building services plant on the site shall not exceed the cumulative noise limits in Table 7 of the submitted Noise Impact Assessment (Ref. 7984A/RD) (October 2019).

Reason: To ensure that noise-sensitive development in the vicinity will not be adversely affected by the building services plant, in accordance with saved Policy EN5 of the Local Plan First Review.

24. Opening Hours

Retail sales shall not be carried out on the site except between the hours of 08:00 and 22:00 on Monday to Saturday, and 10:00 and 17:00 on Sundays.

Reason: In the interests of the amenities of nearby residential properties.

25. Delivery/Waste Collection Hours

No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 07:00 and 23:00 on Monday to Saturday, and 08:00 and 18:00 on Sundays and Bank or Public Holidays.

Reason: In the interests of the amenities of nearby residential properties.

26. Environment Agency Parking Area

The area within the car park shown hatched on drawing number 18052 AD_110 V ('Proposed Site Layout') shall not be used for staff or customer parking at any time. 'No parking' signage shall be placed next to this area prior to the occupation of the development and maintained at all times thereafter.

Reason: To ensure that this area is available at all times to Environment Agency maintenance staff requiring access to the Pin Brook culvert debris screen, in the interests of reducing flooding.

27. Showers, lockers and space to dry clothes

The building hereby approved shall include showers, lockers and space to dry clothes for staff.

Reason: To accord with paragraph 5.3 of the Sustainable Transport SPD in the interests of sustainable travel.

4

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Deputy Chief Executive was submitted.

RESOLVED that the report be noted.

5

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

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 M. Mitchell, D. Moore and/or Councillors Morse and Williams as necessary.

(The meeting commenced at 5.30 pm and closed at 6.28 pm)

Chair

DRAFT

Planning Committee Report 21/0020/OUT

1.0 Application information

Number: 21/0020/OUT

Applicant Name: Land Promotion Group Ltd

Proposal: 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.

Site Address: Land Off Pendragon Road
Exeter
Devon

Registration Date: 7 January 2021

Link to App: [21/0020/OUT | 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. | Land Off Pendragon Road Exeter Devon](#)

Case Officer: Matthew Diamond

Ward Member(s): Cllr Naima Allcock, Cllr Emma Morse, Cllr Ruth Williams

REASON APPLICATION IS GOING TO COMMITTEE:

The Service Improvement Lead – City Development considers the application to be a significant application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

2.0 Summary of recommendation

DELEGATE to REFUSE permission subject to reasons as set out in the report.

3.0 Reason for the recommendation: as set out in Section 18 at end

The proposal is contrary to the Adopted Development Plan and is not considered to be a sustainable development when balancing the Development Plan policies, National Planning Policy Framework 2021 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site.

4.0 Table of key planning issues

Issue	Conclusion
Impact on Landscape Setting/character and local distinctiveness of the hills to the north of the city	The proposal would harm the character and local distinctiveness of the hills to the north of the City, and the landscape setting of the City. The site is visible in

Issue	Conclusion
	medium and long distance views. The proposed development would breach the natural edge of the City formed by the tree'd hedgebank north of pendragon Road. It would be an incongruous, piecemeal development in the rural landscape. The proposal conflicts with Policy CP16, saved Policy LS1 in so far as it has weight and paragraphs 130 c) and 174 a) b) of the NPPF.
Loss of Open Space	The proposal conflicts with saved Policy L3 and paragraph 99 of the NPPF because replacement open space of equivalent quantity and quality would not be secured to compensate for the loss of open space to built development on the site.
Access and Impact on Local Highways	Comments are awaited from Devon County Council as Local Highway Authority on the revised access plans and Stage 1 Road Safety Audit submitted to overcome the Highway Authority's previous objection to the scheme. An update will be provided on the Additional Information Update Sheet. A s106 contribution of £325,000 is sought to mitigate the impact of traffic generated by the development on Beacon Lane. This would be spent on the mitigation measures in the Pinhoe Area Access Strategy.
Affordable Housing	The applicant increased their offer of affordable housing from 35% (policy compliant) to 50% in February 2022. Subject to agreeing the tenure split taking into account Exeter City Council First Homes Planning Policy Statement (June 2021), this level of provision is acceptable and a sustainability benefit.
Design	Notwithstanding the landscape and open space issues, the proposed number of dwellings is realistic. No parameters plans have been provided,

Issue	Conclusion
	<p>however the development should be restricted by condition to the areas shown on the illustrative layout to secure green buffers around the edge of the site and to keep the upper parts of the site free from development. The proposal conflicts with saved Policy DG1 c) as it would not integrate into the existing landscape of the City, including natural features and ecology, with regards to the impact of the access roads on the tree'd hedgebank/SNCI along the southern site boundary.</p>
Impact on Trees	<p>Despite the loss of a number of good quality, healthy trees, the Tree Manager considers the removals regrettable, but acceptable subject to a significantly robust tree planting scheme that could be secured by condition.</p>
Impact on Biodiversity	<p>Overall the proposal is considered to harm biodiversity and would conflict with Policy CP16 and saved Policy LS4 by harming the SNCI through the south of the site – the nature conservation interests are considered to outweigh the need for housing in this location. Additional and updated ecological surveys should be secured by condition if the development is approved, as well as a CEMP and LEMP. A HRA screening and Appropriate Assessment have been carried out.</p>
Contaminated Land	<p>There is potential for land contamination from past use of the site and surroundings for landfill. A full contaminated land investigation should be conditioned if the development is approved.</p>
Archaeology	<p>There is potential for below-ground archaeological deposits. The archaeological recording condition should be added accordingly if the</p>

Issue	Conclusion
	application is granted permission.
Impact on Air Quality	The proposed development would have a negligible impact on air quality. However, measures are proposed to reduce emissions. A Construction Method Statement should be conditioned.
Flood Risk and Surface Water Management	The site is not at risk from fluvial flooding. The Proposed Drainage Strategy includes SuDS features in accordance with Policy CP12. Devon County Council as Lead Local Flood Authority withdrew their objection, but have been reconsulted, as the revised access plans conflict with the Proposed Drainage Strategy in terms of the location of a pedestrian cycle path in the southwest corner of the site and a drainage basin in the same location.
Sustainable Construction and Energy Conservation	The standard condition will be added to ensure compliance with Policy CP15, taking into account national Planning Practice Guidance, if the application is approved. The site is not located within or near to a Decentralised Energy Network (DEN) area, so connection is not possible. A complete Waste Audit Statement will be secured by condition.
CIL/S106	The proposal is CIL liable and will necessitate a s106 legal agreement to secure the obligations set out in the report if the application is approved.
Development Plan, Material Considerations and Presumption in Favour of Sustainable Development	The proposed development does not accord with the Development Plan being in conflict with Policies CP16 and CP18 (if the necessary infrastructure obligations are not secured), and saved Policies H1, L3, LS4, DG1 and LS1 (in so far as it carries weight). The tilted balance in the presumption in favour of sustainable development in paragraph 11 d) of the NPPF applies, as the Council does not currently have a 5 year housing land supply, although the

Issue	Conclusion
	shortfall is modest. However, it's considered that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the NPPF taken as a whole. The provision of 50% affordable housing is a social sustainability benefit that weighs in favour of the application, however this does not outweigh the significant harm to the character of the landscape in this area and to the biodiversity value of the site.

5.0 Description of site

The site comprises two semi-improved grassland fields to the north of Pendragon Road. The site area is 6.78ha. The fields are bounded by mature hedgebanks with trees to the north, south and west, and woodland to the east. A hedgerow with trees divides the two fields in a northwest-southeast direction, with an approximately 2 metre wide gap in the hedgerow on the upper part of the site providing access between them. Vehicular access is proposed in two places from/to Pendragon Road through the tree'd hedgebank to the south into each field. This hedgebank and the grass verge next to Pendragon Road are owned by the City Council. The hedgebank and southern part of the site form part of a Site of Nature Conservation Importance (SNCI) according to the Council's GIS system. The site is sloping/undulating with the topography rising to the northwest and towards the hedgerow dividing the fields in the middle of the site. There are long distance views across the City and the landscape beyond, including the Exe Estuary, from the middle to upper parts of the two fields. The Cathedral towers can be glimpsed between the boundary trees from the west field. The site is within Mincinglake and Whipton Ward.

To the west of the site is Mile Lane, a publicly accessible track running north to south. It can be accessed from the western end of Pendragon Road and has pedestrian connections into Mincinglake Valley Park directly to the west. The Valley Park is a public park managed by Devon Wildlife Trust. Part of it was created from a former waste tip that was capped in the 1970s. It has a rural character and the land rises to the north becoming quite steep. The northern area to the west of the site is designated as a County Wildlife Site (CWS) ('Mincinglake Plantation'). There are long distance views from this part of the park. The park as a whole and Mile Lane are formally designated as Valley Park and as a SNCI.

North of the site are further grassland fields, known locally as 'Drake's Meadow'. The northwest corner of these fields and the fields adjoining Mincinglake Valley Park to

the north and west are currently proposed for a development of up to 150 dwellings, with a community hub and associated infrastructure (ref. 21/1291/OUT). Beyond this is further countryside.

Paragraph 2.3 of the Planning Statement (February 2022) states that the site boundary is lined with hedgerow and trees, and all boundaries currently feature hedgebanks. However, the east boundary runs through an area of woodland next to a watercourse and flood basin to the south. The land slopes down towards the watercourse and rises on the other side. There are grassland fields beyond the woodland on the sloping land to the east. The first of these fields and the woodland are designated as a Valley Park and County Wildlife Site (CWS) ('Savoy Hill'); they are also a SNCI.

To the south is Pendragon Road running parallel with the site boundary. It connects with King Arthurs Road to the west and Lancelot Road to the east. These roads run perpendicular to Pendragon Road and provide access to Beacon Lane to the southeast. There is a bus stop about half way along Pendragon Road. To the south is housing and the Pendragon Road Play Area.

The two fields on the site are publicly accessible. There are two pedestrian connections from Pendragon Road into each field. There are two pedestrian connections into the west field from Mile Lane in the southwest and northwest corners of the field. A footpath connects the southeast corner of the east field through the Valley Park woodland to the footpaths connecting Pendragon Road, Savoy Hill and Chancellors Way. Another footpath connects the northeast corner of the east field to the adjoining field to the north ('Drakes Meadow'), although it crosses a broken fence. There are informal paths/walking tracks around the edge of the fields connecting to the various access points. Another informal path goes through the middle of the east field from the gap in the hedgerow to the northeast corner of the field. These paths/tracks are visible on-site and in aerial imagery. None of the paths or connections are formalised, but for the majority they appear well-worn. Officers observed walkers/dog walkers using them on site visits.

Since the application was submitted, the land owner has attempted to place temporary barriers/fencing at some of the access points. These include the access points from Pendragon Road and the access from Mile Lane into the southwest corner of the site. These barriers/fences have fallen over and do not prevent access at these points at the current time.

The site is unallocated. It lies within the Landscape Setting area shown on the Core Strategy Key Diagram (page 99) and on the Proposals Map of the Local Plan First Review. The southern part of the site and hedgebank to the south are part of an SNCI. The woodland on the site to the east is part of a Valley Park, CWS and SNCI. The site is in Flood Zone 1. There are no above ground heritage assets either on or in the vicinity of the site. None of the trees have Tree Preservation Orders. The site is

part of the North Exeter Wooded Hills and Meadows 'Habitat Reservoir' shown on Figure 4 of the Green Infrastructure Study (April 2009) and Figure 3 of the Green Infrastructure Strategy – Phase II (December 2009). The site has been put forward as a potential development site in the new Local Plan being prepared.

6.0 Description of development

The proposal is to develop up to 100 dwellings on the site with associated infrastructure. The application has been submitted in outline with all matters reserved except access. No parameters plans have been provided. An illustrative layout drawing has been provided indicating 64 dwellings constructed on the west field and 36 dwellings constructed on the east field. The housing is shown set within the site away from the field boundaries with green buffers in-between. Public open space is indicated on the upper parts of the site to the north of the housing. Four Local Areas for Play (LAPs) are also indicated.

The access plans show two access points into the site from Pendragon Road for vehicles and pedestrians. Another pedestrian/cycle access is proposed from/to Mile Lane in the southwest corner of the site where there is an existing informal access. 5.5 metre wide roads with 2 metre wide footways on either side lead from the access points into each field. A 3 metre wide shared use path for pedestrians and cyclists connects the two roads across the south of the site and continues on to the pedestrian/cycle access in the southwest corner. This path passes through the hedgerow dividing the fields.

In February 2022 the applicant offered to provide 50% of the dwellings as affordable housing, whereas previously the offer was 35% in accordance with Policy CP7.

7.0 Supporting information provided by applicant

- Walsingham Planning Cover Letter (18 December 2020)
- Design and Access Statement (December 2020)
- Planning Statement (December 2020) – SUPERSEDED
- Heritage Statement (November 2020)
- Transport Statement (November 2020)
- Geo-Environmental Desk Study (August 2020)

Additional Information Submitted During Application

- Tree Survey (November 2020)
- Arboricultural Impact Assessment (January 2021)
- Tree Constraints Plan
- Tree Impact Assessment Plan
- Ecological Impact Assessment (March 2021)
- Flood Risk Assessment Rev P1 (March 2021) – SUPERSEDED
- Landscape and Visual Impact Assessment Rev A (July 2021)

- Green Infrastructure Statement
- Sustainability Statement
- Waste Audit Statement (August 2021)
- Ecological Addendum (July 2021)
- Air Quality Assessment (August 2021)
- Planning Statement (February 2022)
- Road Safety Audit (November 2021)
- Flood Risk Assessment Rev P2 (September 2021)
- Impermeable Area Plan (1550 0120 P2) (06.10.21)
- JRC Drainage Calculations (06.10.2021)

8.0 Relevant planning history

There is no relevant planning history for the site.

9.0 List of constraints

- The site is located within the Landscape Setting area
- The woodland on the eastern part of the site is part of a Valley Park and County Wildlife Site (CWS) ('Savoy Hill')
- The woodland on the eastern part of the site, the lower part of the site and the tree'd hedgebank to the south are a Site of Nature Conservation Interest (SNCI)
- Mile Lane adjoining the site to the west is designated part of a Valley Park and a SNCI
- Mincinglake Valley Park to the west is a CWS and SNCI
- Potential land contamination
- Potential archaeological deposits

10.0 Consultations

Below is a summary of the consultee responses. All consultee responses can be viewed in full on the Council's website.

Environment Agency: No objection, subject to conditions for investigation and remediation of contaminated land, and for dealing with unsuspected contamination, due to the potential for land contamination from past use of the site and surroundings for landfilling purposes.

Natural England: Commented initially that a financial contribution per dwelling in line with the South East Devon European Sites Mitigation Strategy (SEDEMS) is required to mitigate the adverse effects on the integrity of the Exe Estuary SPA/Ramsar site and the interest features for which the Exe Estuary SSSI has been notified, and the Council must undertake a Habitats Regulations Assessment and Appropriate Assessment prior to determining the application. Further information is required to determine the impacts on protected species and priority habitats. The proposal does not appear to be within or within the setting of nationally designated landscape. The

decision should be guided by local landscape character studies, such as the Exeter Fringes Landscape Capacity Study 2007, and policies. The site is a habitat reservoir in the investment programmes of the Exeter Area and East Devon Growth Point Green Infrastructure Strategy – Phase II (Figure 3). The ecological appraisal should assess the site in this regard. The advice of Devon Wildlife Trust should be obtained on this. No ecological surveys or reports provided. The application should assess the impact of all phases of the proposal on protected species (including, for example, dormice, reptiles, birds, badgers and bats). The planning application should thoroughly assess the impact of the proposals on habitats and/or species listed as ‘Habitats and Species of Principal Importance’ within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006, which includes any hedgerows affected by the proposals. A Phase 2 habitat survey should be carried out. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The development should seek to avoid adverse impact on sensitive areas for wildlife within the site and provide opportunities for overall wildlife gain. We advise that in accordance with the revised National Planning Policy Framework (NPPF) 2018, paras 170 & 174 and the Exeter Development Delivery Development Plan Document policy DD31, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development. Note however this metric does not change existing protected site requirements.

Following the submission of additional information, stated that a Habitats Regulations Assessment and Appropriate Assessment are required. Mitigation measures should be secured via appropriate conditions or an obligation. Regard should be had for paragraph 174 of the NPPF and landscape policies in the development plan regarding the impact on landscape. Continue to advise that the site is a habitat reservoir in the Green Infrastructure Strategy – Phase II and should be assessed in this regard. Note that Biodiversity Metric 2.0 was updated to Biodiversity Metric 3.0 in July 2021. Biodiversity net gain does not replace existing legal or licensing habitat or species requirements and should not be applied to compensate for impacts on irreplaceable habitat features. If BNG forms part of the decision-making process, the metric spreadsheet should be requested and checked. Mandatory net gain will require all BNG sites to be secured for at least 30 years and appropriate management/monitoring during that period. Note the requested survey information has now been submitted. Refer to Standing Advice for impacts on protected species.

RSPB: Commented initially that no ecological assessment information had been provided with the application nor information on how tree'd hedges will be adequately protected and appropriately managed, and without this information it is not possible to assess how the proposed development can meet the Government's commitment to ensure that all new developments will deliver net gain for biodiversity. Linnets were noted in the south east corner of the site. The proposal must be assessed against Local Plan First Review policies LS1 and LS4. The application proposes an area of public open space, but no information on what this will be (habitat types etc.) and

how it will be managed (including adequate secured funding relating to establishment and ongoing management) is provided. Habitats mitigation will be required with respect to European sites if the application is granted.

Following the submission of additional information, stated that the proposal in Section 5.44 of the Ecological Impact Assessment (March 2021) to incorporate bird boxes on retained trees, woodland and new buildings in proximity to suitable foraging habitats does not comply with the Residential Design SPD or best practice recommending an average of one integral bird box per dwelling with additional provision for bats, solitary bees and hedgehog highways. The LEMP proposed by GE Consulting should include the above and be conditioned. Agree with the addition of suitable bird, bat and dormice boxes fixed to mature trees would be appropriate, but unlike the built-in features they will have a limited lifespan – if conditioned an agreement for their ongoing maintenance required.

Devon & Somerset Fire & Rescue Service: The revised illustrative layout would appear (without prejudice) not to satisfy the criteria required for B5 access under the Building Regulations. Access for a pumping appliance should be provided within 45m of all points inside the dwelling house. Consideration should be given for the provision of fire hydrants for this development at the design stage.

Police Designing Out Crime Officer: Initially commented that detailed design should consider the principles of Crime Prevention Through Environmental Design and Secured by Design. Designing out crime and disorder and crime prevention should be referenced in any future Design and Access Statement Addendum. Appreciate layout is illustrative, but proposed accessible space to the rear of residential back gardens is not supported, as this has proven to increase the risk of crime and anti-social behaviour. Boundary treatments to front of dwellings are important to create defensible space. Treatments for side and rear boundaries of plots should be adequately secure. The illustrative masterplan shows a lack of such defensible space/buffers, which would not be supported at detailed design. Suitable boundary treatments that prevent vehicular access to public open space needs to be considered. Such areas should be afforded good natural surveillance opportunities with clear management and maintenance strategies in place. Pedestrian routes through the development must be clearly defined, wide, well overlooked and well-lit. Planting immediately abutting such paths should generally be avoided. The illustrative layout appears to show some recreational pedestrian routes running to the rear of properties and lacking surveillance which would not be supported. Appropriate lighting for pathways, gates and parking areas must be considered. From a crime prevention point of view, parking in locked garages or on hard standing within the dwelling boundary is preferred. Where communal parking areas are utilised, bays should be in small groups, close and adjacent to homes in view of active rooms. Large rear parking courts are discouraged.

Following the submission of a revised illustrative layout drawing, provided an additional comment that more detailed design should ensure that Local Areas of Play are afforded sufficient surveillance opportunities from nearby dwellings. Care should be taken to ensure that a lone dwelling will not be adversely affected by the location of such space.

NHS Devon Clinical Commissioning Group: S106 contribution of £547 per dwelling sought to mitigate the impact on local healthcare facilities – Whipton Surgery, Mount Pleasant Health Centre, Pinhoe and Broadclyst Surgery and ISCA Medical Practice. This is in accordance with 'Devon Health Contributions Approach: GP Provision' agreed by NHS England and Devon County Council.

South West Water: Clean potable water and foul sewerage services can be provided. Surface water run-off should be discharged as high up the drainage hierarchy as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addresses, and reasoning as to why any preferred disposal route is not reasonably practicable). The method proposed to discharge into a surface water sewerage network at the proposed attenuated rates of 2.3 l/sec for Network 1 (western area) and 1.2 l/sec (eastern area) is acceptable and meets with the Run-off Destination Hierarchy.

Exeter International Airport: The amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria. Accordingly, Exeter Airport have no safeguarding objections to the amended development provided there are no changes made to the current application.

Devon County Council – Local Highway Authority: Objects – The Transport Statement estimates daily movements for each access point will be in the region of 250 with 18 peak hour movements. This would equate to a two-way peak hour vehicular trip rate of 0.36, which is very low for an edge of city development and considered unlikely. 0.5-0.6 is expected equating to 50-60 additional peak hour movements. Additional traffic will load onto Beacon Lane. To be acceptable in highway terms, a s106 contribution of £325,000 is required towards the mitigation measures in the Pinhoe Area Access Strategy.

The application proposes the removal of the existing chicane feature at the eastern end of Pendragon Road to provide access to the site. Alternative measures would be needed to enforce the 20mph speed limit on Pendragon Road. Whilst visibility standards have been met, the highway authority will need to see a Stage 1 Road Safety Audit at this stage to determine the acceptability of the access points.

A bus stop is conveniently located on Pendragon Road. There should be a footway connection to it from the western junction. Provision should also be made for a footway/cycleway link between the development and Mincinglake Valley Park. Upon a site visit the gradient of the site was raised as an initial concern. To discourage the

use of the private vehicle and to meet the sustainable mantra as advocated in the NPPF, a contribution towards local walking and cycling measures as outlined above would be expected.

The applicant states “parking will be provided at 2 spaces per house” which is contrary to Local Plan Policy T10, which states development proposals should comply with a maximum of 1.5 spaces per dwelling. As an outline application, these details are reserved for approval at a later stage.

To protect the safety of users of the public highway it is essential that the construction arrangements are carefully managed, and that appropriate space is available off the highway for all construction plant/vehicles.

As there will be a need to advertise the extension of a 20mph zone, a TRO will be required. To advertise the changes a further contribution up to £5,000 will be sought through S106.

In conclusion, although the development can be acceptable in highways terms, further information is required to satisfy the highway authority that all of the proposed elements are acceptable.

NB. Revised access plans were submitted in February 2022 and the Local Highway Authority has been re-consulted on these.

Devon County Council – Lead Local Flood Authority: Withdrew objection – no in-principle objections, subject to a pre-commencement condition requiring soakaway tests in accordance with BRE 365 and groundwater monitoring, a detailed drainage design based on Flood Risk Assessment P2, and other matters.

Devon County Council – Local Education Authority: DCC has forecast that there is enough spare primary capacity to accommodate the number of pupils expected to be generated from this development. However, DCC has forecast that the secondary schools within Exeter are at capacity and therefore a secondary education contribution of £355,875 is sought (based on the DfE new build rate of £23,725 per pupil). The contribution will be used towards new secondary provision at South West Exeter, releasing capacity at existing secondary schools across the city. All contributions will be subject to indexation using BCIS applied from March 2019.

Devon County Council – Waste Planning Authority: Within the Waste Audit Statement submitted, the applicant has made a good attempt to consider the targets for the reuse, recycling and recovery of construction waste as well as demonstrating the management of waste in accordance with the waste hierarchy. However, the following points need to be addressed:

- We note that the applicant states it is not possible to provide the amount of construction waste that is likely to arise, however an estimate of this is required to be included to meet policy W4 of the Waste Plan;
- The type of material the waste will arise from during construction, demolition and excavation;
- The method for auditing the waste produce including a monitoring scheme and corrective measures if failure to meet targets occurs.
- The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied;
- Identify the main types of waste generated when development is occupied (if possible)
- We recognise that during the operational phase, the household waste will be collected by the district. However, we request that the disposal site name and location for the waste produced during the construction phase is also provided.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at:

<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

We would be grateful if this information could be provided within this statement. However, as this is an outline application, we acknowledge that some of these details are unknown at this stage and therefore may need to be submitted as part of the reserved matters application.

Local Plans Team: The proposal is contrary to Policy LS1. The residential proposal does not meet the land use criteria of the policy and, as a result of the direct loss of a green field site in the landscape setting area, would harm the landscape setting of the city. The proposal is also contrary to policy CP16 of the adopted Core Strategy. This policy sets out that various areas, including the hills to the north and northwest of the city (which include the development site), together with Mincinglake Valley Park (adjacent to the site), will be protected. Although there is some provision for public open space made as part of the application, the development of 100 houses in this location would have a negative impact on the character and local distinctiveness of the area which is assessed as being of high landscape sensitivity in the Exeter fringes landscape sensitivity and capacity study.

Although the City Council and the various other Local Planning Authorities in the area are no longer progressing the Greater Exeter Strategic Plan it may be worth noting that the site was included as part of a much larger site option in the GESP 'draft

policies and site options' consultation document. This document is available here: https://devoncc.sharepoint.com/:b:/s/PublicDocs/Planning/EZ2RQG26HEtHjmCW9TkUUckBwaiyhQID293Gfr-ryFpX_w?e=hqiuAN (page 144). The document was never subject to consultation and has no planning weight but the assessment did identify the concerns regarding the landscape setting area and the high landscape value of the site.

The site was also submitted through the GESP call for sites in 2017 and was assessed through the HELAA process, the report for which is available here: <https://devoncc.sharepoint.com/:b:/s/PublicDocs/Planning/Eco4flngyeVJtMIN-zc9VY8BplKz0PjXkxmfgD-0FkN69Q?e=GV7jb2> (page 325). Although the high-level *achievability* assessment in the HELAA concluded that the development on the site would be achievable, the *suitability* assessment identified the high landscape sensitivity of the site and its importance as being integral to the wider landscape setting of the city.

Place Making Officer: (NB. These comments relate to the original proposal and preceded the submission of further landscape and arboricultural information; the officer left the authority before this further information was submitted. The Landscape comments commissioned from an independent chartered landscape architect are included with this report for Members to take into account):

- The site is an integral part of the hills to the north of Exeter which are of major landscape importance and which contains the urban extent of Exeter, providing a setting for the city as well as a rural backdrop to the existing residential areas to the south-west and south-east.
- The site is a component part of the area included in the Exeter Slopes and Hills as identified by the Devon Landscape Character Area Assessment which is described as having a strongly rural character despite its proximity to Exeter. At a more local level the site is assessed as being part of Landscape Character Type 3A Upper Farmed and Wooded Valley Slopes which identifies more detailed characteristics.
- Development of the site would mean extending residential development beyond the built-up area potentially resulting in a harmful effect on the character and appearance of the area.
- The loss of this farmland would be to the detriment of the wider landscape and the rural character of the area, of which it is an integral part and could create a detrimental precedent resulting in further proposals on the neighbouring land and potentially piecemeal development elsewhere in the area.
- The proposed development of the site would be contrary to Local Plan policy LS1 since it is evidently not reasonably necessary for the purposes of agriculture, forestry, the rural economy or concerned with change of use, conversion or extension of existing buildings.

- Similarly the proposals would be contrary to the core Strategy Policy CP16 which includes protection of the character and local distinctiveness of the hills to the north of Exeter.
- The Exeter Fringes Landscape Sensitivity and Capacity Study identified the site (zone 3) as having a high landscape sensitivity and a low to capacity for housing use.
- No context appraisal or assessment of the site and the proposals in the form of a Landscape and Visual Impact Appraisal is provided that might otherwise provide justification for the proposed development.
- The southern boundary of the proposed site comprises a Site of Nature Conservation Interest (SNCI) which acts as a green corridor linking the SNCI to the north-east with the Mincinglake Valley Park and SNCI to the west. This would be breached in two places by the proposed access road.
- Illustrative Master plan: this suggests that the layout would be generated primarily by the proposed access roads rather than by overarching design concepts and objectives.

Environmental Health: Objected initially, due to no Air Quality Assessment. Following the submission of additional information, including an AQA, recommended the following conditions: CEMP, Contaminated Land, air pollution mitigation.

Public & Green Spaces Team: (NB. The following comments were based on the original illustrative layout.)

A development of this size would be expected to provide opportunities for play within public open spaces for toddler and junior age groups. Two large areas of Public Open Space are proposed at the northern portion of the site, and the total POS provision looks to exceed our minimum requirements. The Fields in Trust Guidance states that a LAP (10m x 10m, separated from dwellings by at least 5m) should be accessible with 100 metres walk of all dwellings. Sufficient provision in line with FiT guidance is achieved for the majority of the dwellings through the proposed POS to the north, but does not meet the requirement for those dwellings in the south west section. We would expect appropriate provision to be provided in this area to meet the spatial criteria for a LAP, and consider this to be achievable without affecting the viability of the development.

The Fields in Trust Guidance also recommends that a development of this size should provide a LEAP (Local Equipped Area of Play), and that all dwellings should be located within 400m of a LEAP. The outline application does not include details of any equipped on-site play provision. The nearest ECC-owned play area is Pendragon Road Play Area, located some 100-300 metres from proposed dwellings across the relatively low-trafficked Pendragon Road. Given the proximity to the application site and lack of on-site provision, Pendragon Road Play Area will experience extra demand generated by this development. In our view, subject to appropriate investment to mitigate the impacts, Pendragon Road Play Area could

accept the additional demand presented by this development, and reliance on off-site provision is acceptable.

No MUGA is proposed within the development, which is appropriate for a development of this size, and an existing MUGA is present at the Pendragon Road play area. According to the FiT guidance, developments between 10-200 dwellings are recommended to make a contribution towards MUGAs, and we would expect the applicant to make a suitable contribution towards the upgrade and additional maintenance of the nearby Pendragon Road MUGA.

No objection to the proposed development, subject to the agreement of the following:

- Modification of the illustrative layout to ensure that a LAP-standard open space is provided within 100 metres of all proposed dwellings.
- Prior to first occupation, a suitable financial contribution to fund the improvement and additional maintenance of the existing off-site play area at Pendragon Road Play Area, that will be required as a result of additional impact from the development. A value of £370 per bedroom (excluding the first bedroom) is recommended.
- Prior to first occupation, a financial contribution towards the improvement and additional maintenance of Pendragon Road MUGA, that will be required as a result of additional impact from the development. A value of £112 per bedroom (excluding the first bedroom) is recommended.

Tree Manager: Comments relate to documents and drawings; *Tree Survey* (ref: TC200702-TreeSurvey-11.2020), *Arboricultural Impact Assessment* (report ref: TC200702-AIA-01.2021), *Tree Impact Assessment* (ref: TC200702-TIAP-01.2021) and *Tree Constraints Plan* (ref: TC200702-TCP-12.2020).

- There are no objections to the proposed access and internal road layout.
- The loss of trees Oak tree **T1 & T2**, along with the removal of Field maple **T3, T4 & T5** and mixed species group **TG6**, is regrettable, but understandable owing to their position at site access points and the requirement to make way for the new development. A significant robust planting scheme is required to mitigate for the loss of these trees.
- Removed trees will need to be replaced with a significantly robust tree planting scheme that is to be approved by the Council's Landscape officer.
- While it is understood that the block plan is indicative, it shows several units that have an unsatisfactory spatial relationship between units and adjacent trees (**TG10**). The Tree Constraints Plan should be used to assist and guide the design process. Owing to the number and quality of trees on and adjacent to the site it will be challenging to achieve the number of units shown on the indicative plan.

Devon Wildlife Trust: Objects – Consider that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity in paragraphs 174d, 175d and 180c of the National Planning Policy Framework or the requirements of paragraph 99 of ODPM Circular 06/2005 Biodiversity and Geological Conservation. The comments provided below are based on GE Consulting Ecological Impact Assessment (dated March 2021) and the accompanying addendum (dated July 2021). We consider that insufficient evidence has been provided because –

1. A copy of the full BNG Metric Assessment produced for the site needs to be provided.
2. The report states that the habitats present within the site are suitable for great crested newts in their terrestrial stage. The report states that ‘The closest potentially viable breeding pond (identified on OS Mapping) lies approximately 210m north of the Site’. The report then goes on to make the assertion that ‘the terrestrial habitats available in proximity to the off-site pond (hedgerows rough grassland and woodlands associated with Mincinglake Valley Park) are likely to afford GCN with all their terrestrial habitat requirements’. The notion that great crested newts would not utilise the site because further suitable habitat is available elsewhere is completely unsupported by evidence such as a population size survey, particularly as the paragraph also states that “Existing residential gardens in proximity to the Site could also support suitable breeding ponds”. Further assessment is required to determine presence/absence of great crested newts within all suitable water bodies within a 250m radius of the site.
3. A proportion of Savoy Hill CWS lies within the eastern extent of the site. The report makes reference to the maintenance of suitable buffers within the design and planting scheme, however these are not defined. Figure 1 Biodiversity Net Gain Post-development Plan appears to show proposals for development in close proximity to the CWS. Confirmation is required on proposals for the size of the buffer which will be retained.
4. The report makes reference to the direct loss of 30m of hedgerow habitat, which will be removed from three separate areas of the southern hedgerow. Figure 1 appears to show four breaches within the hedgerow network, including removal of part of the central hedgerow. This will effectively result in the loss of the majority of the southern and part of the central hedgerow for commuting/foraging bats. The extent of habitat loss has not been quantified, and an assessment of the impact of this loss or proposals for subsequent mitigation have not been included within the report. The new hedgerow planting does not mitigate for this loss of habitat in relation to commuting bat species as planting is proposed directly adjacent to existing commuting/foraging habitat.

Furthermore, breaches in the hedgerow network appear to leave trees which have been identified as potential bat roosts isolated from commuting/foraging habitat. This impact has not been considered within the assessment. For the reasons given above, we object to the outline planning application and recommend that it is refused.

Exeter Civic Society: (NB. The objection below related to the original submission and no further comments were received from the Civic Society following the submission of additional information during the course of the application.)

Objects – The Planning sub-committee find the application inadequate in several respects. An LVIA has not been submitted. An assessment of Landscape Impact is essential for this particularly sensitive high ground which is visible for several kilometres across Exeter, as well as forming a more local view.

The application lacks a Drainage Strategy which we would expect to find for this sloping, uneven and well-watered site.

Although a full survey could not be expected at this stage we consider that the fact that the site closely neighbours the upper fields of Mincinglake Valley Park and so is part of the ecological network in the area merits more than the brief mentions of trees and hedgerows. Recognition of the ecological significance of these fields and those to the north could have been more clearly shown in the application for this significant site.

We trust that this outline application, which lacks information on landscape impact, drainage intentions and ecological implications, and is at present a departure from the City's existing Development Plan, will be refused.

Exeter Cycling Campaign: Objects – The amended plans (submitted in February 2022) have been reviewed, including Drg. No. 20106/001/B, but these do not appear to address the concerns raised in our objection dated 5th September 2021, so we would like to reiterate our objection:

- The proposals refer to a 'pedestrian/cycle link' to connect the two developments. Exeter Cycling Campaign cannot support plans for a shared footway/cycleway when space is available to provide dedicated infrastructure for both means of transport.
- Exeter City Council's strategic goal to have 50% of journeys undertaken by foot or bike. Item 6.2.1 of the applicant's Transport Statement indicates that 49.2% of trips will be undertaken as a driver of a private car. Without additional infrastructure to support more trips using active travel this target is unlikely to ever be met by this proposed development.
- In item 3.6.1 of the Transport Statement the applicant refers to cycle infrastructure 700m away on Beacon Lane. Getting there via King Arthurs Road or Lancelot Road involves negotiating a street congested with parked vehicles that are often parked on the pavement. Without measures to address this the proposals will fall foul of Exeter City Council's intention to create a connected network of cycle facilities.

- Item 5.5.2 of the Transport Statement indicates that on-street parking is proposed for those visiting by car. At similar developments in Exeter this often results in car-dominated streetscapes to the detriment of active travel. We would like the applicant to consider measures to ensure that this does not happen here.

11.0 Representations

The application was advertised twice in January 2021 following its submission and in August 2021 following the submission of a revised illustrative layout and various technical documents. There were 310 contributors comprising 222 objections, 85 in support and 3 neutral.

The issues raised in the objections were:

- The site is used by wildlife
- The site is used for walking/dog walking/recreation
- The site is a beautiful wildlife area
- Concerns regarding access by emergency vehicles due to parking on pavements on roads leading to site
- Old trees will be removed to create access
- Housing not needed
- Impact on infrastructure/local services
- Brownfield sites should be built on
- Impact of more traffic on local/narrow roads
- Green spaces should be retained
- A lot of surface water runoff from fields when it rains/poor drainage
- Land has not been used for agriculture nor horticulture for many decades, never been fencing or gates – public right to roam
- Impact on mental health – loss of open space
- Bus used to be every 10mins, now every 30mins, but frequently don't turn up
- One of only natural places Exeter has left
- Fields should become part of Mincinglake Valley Park
- More traffic – more danger for children
- Not everyone has cars and can travel to find green areas
- Removal of chicane on Pendragon Road would be dangerous near park
- Much valued local space
- Great scenic views
- Provides valuable amenity
- Grew up playing in these fields
- More traffic, more pollution
- Chipping away at precious green space that the community enjoys
- Encroachment of development in spaces such as this, adjacent to well-loved park land and tracks is insidious.
- Visual impact

- Contrary to Policies LS1 and LS4
- Mincinglake Valley Park requires adjacent green spaces to maintain its biodiversity
- Loss as a carbon sink and ecosystem service
- These fields have been accessible by local communities for over 30 years – hold a cultural and emotional significance for local people.
- Trees should have TPOs
- Access points near blind bends
- Urban creep
- Site on a hill – difficult to cycle to, particularly with panniers
- Public transport more expensive than car for most journeys
- Fields should be retained to help fight pollution/global warming
- Seen slow worms in the field
- Should be retained as a wildlife corridor between the two Valley Parks
- Qs. 12 and 13 on application form answered falsely re importance of trees/hedges and biodiversity
- Most of the houses should be affordable
- Impact on traffic/parking in the area
- Planning Statement and Transport Statement say land used for grazing – not seen grazing on land since lived here since 2017 and there are clear openings, so land cannot be used for grazing in any event as not fully closed off.
- Disagree with development – homes already being built at Prince Charles Road and Pinhoe Quarry
- Community heavily relies on fields for social interaction, exercise and walking dogs
- Land has been used for exercise/recreation area for over 20 years
- Would need to drive to other green spaces in city – more pollution
- Fields provide peace and tranquillity for local residents
- Lots of flats in area without access to gardens
- Fields are a wildlife haven (before it was flailed by landowner in last two winters)
- Local roads already damaged
- Fields and trees part of treasured green skyline
- “Green lungs” for city
- Impact on Mile Lane as a bridleway
- Local walk times at 4.7.1 of the Transport Statement are incorrect
- Would destroy soul of neighbourhood
- More fly tipping on Mile Lane
- Impact of light pollution on wildlife
- Noise pollution during construction
- Too hilly for people to use bikes
- The area has been used for educational activities, e.g. wellbeing walks, sensory mapping

- Conflicts with ECC local plans, e.g. The Liveable Exeter Garden City programme
- Land previously used for landfill – potentially contaminated
- Additional flood risk/possible subsidence
- Fields should be preserved to continue green corridor between Mincinglake and Savoy Hill Valley Parks and nearby Stoke Woods
- Should be retained as local nature reserve and “green gym”
- Footfall in Mincinglake Valley Park is very high and it is losing biodiversity
- Site is visible in long-distance views (photographic evidence provided)
- Pendragon Road treeline should be northern boundary of the city
- Piecemeal development
- Used to ride horses in the fields – at no time in last 45 years have known farming in them
- Only one attempt some years ago to use for livestock – failed due to lack of adequate fencing
- Contrary to Policy CP16
- Goes against Council Net Zero plan
- F bus service continues to decline
- There are other sites for housing more suitable
- Affordable housing will not be affordable for local people

An objection was also received from the Royal Devon and Exeter NHS Foundation Trust unless a s106 contribution of £164,293 is secured towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development, as the Trust will not receive the full funding required to meet the healthcare demand due to the baseline rules on emergency funding and there is no mechanism for the Trust to recover these costs retrospectively. The contribution will be used directly to provide additional healthcare services to meet patient demand.

The issues raised in the representations supporting the proposed development were:

- Land is in need of developing – unused for many years
- It is not public land – people trespass
- Rubbish/household items are disposed of there
- Number of houses should not be detrimental
- The plans are well laid out with green space all around
- Wildlife will migrate
- The fields are rank and been neglected very badly by the owner for the past 45+ years, so social housing should be a welcome addition
- Not an overdevelopment
- Some greenspace will be retained
- Social housing/starter homes – bonus for area
- Private land – no agricultural work has carried on there for past 40 odd years

- Domestic and gardening waste has been dumped there
- Low cost housing would benefit the area
- Other public green spaces are available nearby for walking – illegal to trespass
- Desperate need for housing in Exeter
- Social housing would be great benefit, especially for young families
- The proposed houses do not fill the site and an abundance of green space for play/recreation would be left
- Prime position for social/shared housing
- Mincinglake Valley Park is available close by
- Traffic difficulties could be resolved
- 100 homes allows plenty of amenity space
- Funding will be provided for local infrastructure/services
- Construction vehicle impacts will be short lived
- Plenty of green space available for wildlife
- Land appears unsuitable for agriculture, therefore should be used for housing
- Suitable for first time buyer homes
- Difficult for young people to get on housing ladder
- Please build some starter homes
- Area not suitable for high grade housing – only type of housing should be social and starter homes
- If the site is not approved suggest Mincinglake Park be developed for housing
- Desperate to get on housing ladder
- Younger generation need to live within the boundary to work in city without too much travelling
- Majority of homes will be low cost starter homes, which are desperately needed
- No need for more community land in area
- Area is not overdeveloped like some parts of the city
- Claims on wildlife are ‘wildly’ exaggerated
- Drainage will be sorted out
- Will generate Council Tax payments
- Ideal place to build new homes – area desperately needs uplifting
- No problem with access to this land which is most important
- Would be logical extension to existing built-up area
- With ending of Duty to Co-operate, support

The issues raised in the neutral responses were:

- Developers should be obliged to improve cycle and pedestrian access to this development by surfacing Mile Lane up to Stoke Hill Road to make it a decent multi-use path for pedestrians and cyclists and ideally they (or the Council) should provide cycle lanes and footpaths that continue from there up Stoke Hill to allow people to access green space for exercise and relaxation. Ideally such

a walking/cycling route should continue up Mile lane and Stoke Hill Road to join the bridleway that goes back to Rolleston Farm – this would create a wonderful new opportunity for people in Exeter.

- No problem with extending housing estate, but this is a council estate and any extension should be of similar nature – all dwellings should be affordable
- City needs young people who need somewhere to live and thrive

A representation was also received from Exeter Greenspace Group including evidence of public use of the fields for over 30 years comprising testimonials from 12 residents aged between 20 and over 80 and online evidence including maps showing footpaths.

12.0 Relevant policies

National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2021) – in particular sections:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Planning Practice Guidance (PPG):

Air Quality
Appropriate assessment
Climate change
Community Infrastructure Levy
Design: process and tools
Effective use of land
First Homes
Flood risk and coastal change
Healthy and safe communities
Historic environment
Housing for older and disabled people
Housing supply and delivery

Land affected by contamination
Light pollution
Natural environment
Noise
Open Space, sports and recreation facilities, public rights of way and local green space
Planning obligations
Travel Plans, Transport Assessment and Statements
Use of planning conditions
Waste
Water supply, wastewater and water quality

National Design Guide (MHCLG, 2021)
National Model Design Code (MHCLG, 2021)
Manual for Streets (CLG/TfT, 2007)
Cycle Infrastructure Design Local Transport Note 1/20 (DfT, July 2020)
Protected species and development: advice for local planning authorities (Natural England and DEFRA, 7 January 2021)
Protected sites and areas: how to review planning applications (DEFRA and Natural England, 5 August 2016)
Biodiversity duty: public authority duty to have regard to conserving biodiversity (Natural England and DEFRA, 13 October 2014)
Guidance for Outdoor Sport and Play Beyond the Six Acre Standard England (Fields in Trust, 2020)

Development Plan

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives
CP1 – Spatial Strategy
CP4 – Density
CP5 – Mixed Housing
CP7 – Affordable Housing
CP9 – Transport
CP11 – Pollution
CP12 – Flood Risk
CP15 – Sustainable Construction
CP16 – Green Infrastructure, Landscape and Biodiversity
CP17 – Design and Local Distinctiveness
CP18 – Infrastructure

Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)

- AP1 – Design and Location of Development
- AP2 – Sequential Approach
- H1 – Search Sequence
- H2 – Location Priorities
- H7 – Housing for Disabled People
- L1 – Valley Parks
- L3 – Protection of Open Space
- L4 – Provision of Playing Pitches
- T1 – Hierarchy of Modes
- T2 – Accessibility Criteria
- T3 – Encouraging Use of Sustainable Modes
- C5 – Archaeology
- LS1 – Landscape Setting
- LS2 – Ramsar/Special Protection Area
- LS3 – Sites of Special Scientific Interest
- LS4 – Nature Conservation
- EN2 – Contaminated Land
- EN3 – Air and Water Quality
- EN4 – Flood Risk
- DG1 – Objectives of Urban Design
- DG5 – Provision of Open Space and Children’s Play Areas

Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)

- W4 – Waste Prevention
- W21 – Making Provision for Waste Management

Other Material Considerations

Development Delivery Development Plan Document (Publication Version, July 2015)

- DD1 – Sustainable Development
- DD9 – Accessible, Adaptable and Wheelchair User Dwellings
- DD13 – Residential Amenity
- DD20 – Accessibility and Sustainable Movement
- DD22 – Open Space, Allotments, and Sport and Recreation Provision
- DD25 – Design Principles
- DD29 – Protection of Landscape Setting Areas

DD30 – Green Infrastructure
DD31 – Biodiversity
DD33 – Flood Risk
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents:

Affordable Housing SPD (April 2014)
Sustainable Transport SPD (March 2013)
Planning Obligations SPD (April 2014)
Public Open Space SPD (Sept 2005)
Residential Design Guide SPD (Sept 2010)
Trees and Development SPD (Sept 2009)

Devon County Council Supplementary Planning Documents:

Minerals and Waste – not just County Matters Part 1: Waste Management and Infrastructure SPD (July 2015)

Exeter City Council First Homes Planning Policy Statement (June 2021)
Exeter City Council Annual Infrastructure Funding Statement 2020/21 Report
Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)
Revised Strategic Housing Land Availability Assessment (SHLAA) 2015
Green Infrastructure Study (April 2009)
Green Infrastructure Strategy – Phase II (December 2009)
Exeter Fringes Landscape Sensitivity and Capacity Study (February 2007)
Archaeology and Development SPG (November 2004)

13.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text available via the Council's website.

It is acknowledged that there are certain individual properties where there may be some adverse impact and this will need to be mitigated as recommended through imposing conditions to ensure that there is no undue impact on the home and family life for occupiers. However, any interference with the right to a private and family life

and home arising from the scheme as result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the overall benefits of the scheme in the provision of homes, including affordable housing and economic benefits.

Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

14.0 Public sector equalities duty

As set out in the Equalities Act 2010, all public bodies in discharging their functions must have “due regard” to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

15.0 Financial issues

The requirements to set out the financial benefits arising from a planning application is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) of the Town and Country Planning Act 1990.

The information or financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out including their value if known and should include whether the officer considers these to be material or not material.

Material considerations

- 50% affordable housing (50 dwellings if 100 dwellings developed)
- Public open space
- £395,000 toward mitigation measures in Pinhoe Area Access Strategy 2019 Addendum
- Up to £5,000 for Traffic Regulation Order
- £355,875 towards new secondary school provision at South West Exeter (£3,558.75 per dwelling).
- £54,720 towards patient space at GP surgeries (£584 per dwelling).
- £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.

Non-material considerations

CIL contributions – The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on site. This proposal is CIL liable. The rate at which CIL is charged for this development is £80 per sq metre plus new index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website. The rate per sq m for residential development in 2022 is £118.57.

The proposal will generate council tax.

16.0 Planning assessment

The key issues are:

1. Impact on Landscape Setting/character and local distinctiveness of the hills to the north of the city
2. Loss of Open Space
3. Access and Impact on Local Highways
4. Affordable Housing
5. Design
6. Impact on Trees
7. Impact on Biodiversity
8. Contaminated Land
9. Archaeology
10. Impact on Air Quality
11. Flood Risk and Surface Water Management
12. Sustainable Construction and Energy Conservation
13. CIL/S106
14. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

1. Impact on Landscape Setting/character and local distinctiveness of the hills to the north of the city

Saved Policy LS1 states that development which would harm the landscape setting of the city will not be permitted, and proposals should maintain local distinctiveness and character, and be reasonably necessary for the purposes of agriculture, forestry, the rural economy, outdoor recreation or the provision of infrastructure...Any built development associated with outdoor recreation must be essential to the viability of the proposal unless the recreational activity provides sufficient benefit to outweigh any harm to the character and amenity of the area. Policy CP16 states that the character and local distinctiveness of the hills to the north of the city, together with other landscape areas, will be protected and proposals for landscape, recreation, biodiversity and educational enhancement brought forward, in accordance with guidance in the Green Infrastructure Strategy. The Key Diagram in the Core Strategy defines Landscape Setting areas in the city and the site subject of this application is within the Landscape Setting area covering the hills to the north of the city.

Following appeal decisions, it has been determined that saved Policy LS1 is out-of-date. This is because the evidence base it relies on was superseded by the Exeter Fringes Landscape Sensitivity and Capacity Study (2007) ('the Fringes Study') and it is inconsistent with the NPPF (2021). It is inconsistent because it restricts development in the Landscape Setting areas to certain types of development. The part of the policy stating proposals should maintain local distinctiveness and character is not out-of-date, but this has been superseded by Policy CP16 in any case, which seeks to protect the character and distinctiveness of certain areas of the

city. Policy LS1 is therefore afforded limited weight. As confirmed by the Inspector for the most recent appeal decision on the hills to the north of Exeter (appeal ref. APP/Y110/W/20/3265253) ('Land at Pennsylvania Road'), Policy CP16 is not out-of-date and carries full weight.

In terms of the Fringes Study, the site is located within Zone 3 which the document assesses as having high landscape sensitivity and low capacity for housing. The justification for its sensitivity is:

“Prominent hill and valley sides with high intrinsic sensitivity form strong positive rural backcloth to the city with an important hill fort and Roman station.” (Page 7)

The justification for having low capacity actually states the area has no capacity for housing:

“The area has no capacity for housing because of its prominence, rural character and intrinsic sensitivity.” (Page 7)

The applicant has submitted a Landscape and Visual Appraisal (July 2021) (LVA). It concludes there would be an adverse effect on the landscape character of the site; however, effects would reduce in the medium to long term as new planting matures. It concludes there would be an adverse effect on the Landscape Setting of Exeter, but that would be minimal as the site comprises a very small part of the extensive Landscape Setting area. It states views would be limited to a few local views (under 0.5km). It states there would be enhancement in the site with the implementation of a Landscape Management Plan.

A review of the LVA/proposals has been carried out by a chartered landscape architect on behalf of the Council. This report is appended to this committee report. The report states that the LVA is very scant and in failing to consider landscape value, susceptibility to change and sensitivity to either landscape or visual change, and in not analysing the site in the context of the broader city and landscape setting, does not meet the standards for LVA required by the Landscape Institute, as articulated through Guidelines for Landscape and Visual Impact Assessment Third edition. The LVA is described as not fit for purpose, underplaying the landscape effects of the development, and therefore should not be given weight in the planning decision.

The chartered landscape architect considers the proposals would conflict with Policies LS1, CP16 and DG1 a, b, c, f and h, as well as Paragraphs 130 a, b and c, and 174 of the NPPF. The site has a strong rural character and the development would breach what is a very clearly defined edge to the urban area formed by the tree'd hedgebank north of Pendragon Road and the substantial change in levels

between the road and the site. The levels will require extensive engineering works to form the accesses, consequently the development would not be an organic extension to the urban area, but an incongruous, piecemeal development into the rural hinterland. Contrary to the LVA the site is visible as part of the rural backdrop to the City in long distance views, e.g. from Pynes Hill and land north of Ludwell Lane in Ludwell Valley Park to the south. It is also visible from Savoy Hill Valley Park /CWS to the east. The removal of the trees to form the accesses would open up views into the site from Pendragon Road and cannot be mitigated through tree planting as part of reserved matters, as suggested by the applicant. The trees are healthy and their loss would have a substantial impact on views of and along the existing strong, very clearly defined, urban edge.

It should be noted that the site is very similar to the Land at Pennsylvania Road site: They are both within Zone 3 of the Fringes Study; they are both within the 'Exeter Slopes and Hills Landscape Character Area' in the Devon Landscape Character Assessment (DLCA); both have strong rural characters with undulating landforms; both are adjacent to Valley Parks and County Wildlife Sites; both are visible in long distance views; and, importantly, both lie beyond natural boundaries to the urban area – a tree belt in the case of Land at Pennsylvania Road and the tree'd hedgebank adjacent to Pendragon Road for this site. The appeal for the outline application for up to 26 dwellings at Pennsylvania Road was dismissed, which is a material consideration for this application. If anything, this site is more sensitive given there is limited built development beyond the tree belt in the context of the Land at Pennsylvania Road site, whereas for this site there is none, and this site has Valley Parks and County Wildlife Sites on both sides, east and west. It should also be noted that the Inspector considered the Fringes Study remained relevant.

Officers agree with the chartered landscape architect: The site has a strong rural character and lies beyond the natural urban edge of the City, formed by the tree'd hedgebank adjacent to Pendragon Road. It is visible in long distance views from publicly accessible areas. There are very clear views of the site from the Valley Park and County Wildlife Site to the east, where the development would appear incongruous and highly damaging to the rural landscape. This takes into account the lighting that would be a necessary component of a suburban residential development and likely cut and fill/underbuilding given the sloping topography. The development would also be viewed through the gaps created to form the accesses from Pendragon Road. The interventions to form the accesses would themselves damage the character and local distinctiveness of the tree'd hedgebank and immediate surroundings, which add to the rural character of the area. The development would also be visible through the boundary vegetation from the lower section of Mile Lane, a popular walking route connected to Mincinglake Valley Park, which itself is designated as Valley Park and SNCI.

Therefore, in conclusion, the proposed development is considered to conflict with Policy CP16 and the parts of saved Policy LS1 that remain up-to-date, and this

carries high weight in the overall planning balance. The proposal is also contrary to paragraphs 130 and 174 of the NPPF.

2. Loss of Open Space

The site privately owned, but this is different to saying whether the site is public or private in planning terms. Lots of privately owned land is publicly accessible. At the time of writing this report the site is publicly accessible. Attempts have been made to block some of the access points during the application, but not all of them. At the time of writing the temporary barriers that were placed at some of the access points are no longer in place and do not prevent access. It's clear from the representations, as well as historic aerial imagery on the Council's database, that the land has been accessible for many years. The aerial view from 1999 on the Council's database shows access is available from Pendragon Road with footpaths around the edge of the fields.

The definition of open space in the NPPF (2021) is:

“Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.”

Saved Policy L3 states that development on open space will only be permitted if:

- a) the loss of open space would not harm the character of the area; and
- b) the loss of open space does not fulfil a valuable recreational, community, ecological or amenity role; and
- c) there is adequate open space in the area; OR
- d) the loss of open space is outweighed by its replacement in the area by open space of at least equivalent recreational, community, ecological or amenity value (including, in particular, the provision and enhancement of equipped play space).

This policy is considered broadly consistent with the NPPF and therefore up-to-date. NPPF Paragraph 99 states:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

- b) *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) *The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

In terms of the criteria in saved Policy L3, a) is not reflected in paragraph 99 of the NPPF, so is therefore not up-to-date, however it is covered by the discussion under ‘1’ above. In terms of b), the site clearly does provide a valuable recreational, community, ecological and amenity role; this isn’t reflected directly in the NPPF policy, although can be linked to NPPF 99 a). In terms of c), this is unknown as the Council does not have an up-to-date Open Space Audit; c) is consistent with NPPF 99 a). As the proposal cannot satisfy a) – c) of saved Policy L3, it leaves d), which is consistent with NPPF 99 b) – whether replacement open space can be provided in a suitable location.

The applicant has not acknowledged that the land is publicly accessible nor addressed saved policy L3 and NPPF paragraph 99 in their submission. However, in the Draft Heads of Terms appended to the Planning Statement (February 2022), they have offered provision of on-site public open space and green infrastructure and/or an off-site financial contribution as part of a s106 legal agreement. It is assumed that the on-site public open space being offered is the public open space indicated on the northern parts of the fields on the illustrative layout and referred to in paragraph 4.1.5 of the Design and Access Statement. These parts of the fields are the most valuable in offering views of the surrounding landscape, including long distance views of the Exe Estuary. This area plus the LAPs on the illustrative layout is approximately 12,335 sq m (1.23ha). It excludes the green buffers around the edge of the development. These total approximately 7,499 sq m (0.75ha).

The built area shown on the illustrative layout is approximately 25,667 sq m (2.57ha). Saved Policy L3 requires replacement open space of at least equivalent recreational, community, ecological or amenity value. NPPF 99 requires replacement open space of equivalent or better provision in terms of quantity and quality. As can be seen the public open space offered is smaller than the area that would be lost to built development. Paragraph 5.2.1 of the Ecological Impact Assessment states that the northern extents of both fields will be retained and included as an area of Public Open Space incorporating new habitat creation. It states *‘The loss of poor semi-improved grassland habitats will be compensated for through the creation of new high quality habitats including scrub and wildflower grassland habitats within the retained areas.’* At paragraph 5.2.2 it states *‘New scrub planting will be included in the north east of the Site to provide a buffer and protection to areas of existing woodland. The woodland habitats to the east will be retained and enhanced with significant buffers to built development and strategic planting to prevent creation of informal accesses.’* This may therefore reduce some of the area that is publicly accessible.

On balance, officers consider that the public open space offered in the Draft Heads of Terms, assuming it is that shown on the illustrative layout, does not satisfactorily compensate for the loss of open space in terms of quantity and quality, as required by saved Policy L3 and paragraph 99 of the NPPF. This takes into account that the amenity value of the retained open space at the top of the site would be adversely affected by views of the new housing in the foreground, harming the rural character of the area.

3. Access and Impact on Local Highways

Devon County Council as Local Highway Authority objected to the application requesting revisions to the access plans and a Stage 1 Road Safety Audit (RSA). Revised plans and an RSA were submitted, and at the time of writing the Highway Authority has not responded to a reconsultation in this regard. An update will be provided on the Additional Information Update Sheet.

It should be noted that the 3m wide shared cycle pedestrian facility in the southwest corner of the site is not consistent with the Proposed Drainage Strategy (Dwg. No. 1550 0500 P2) appended to the Flood Risk Assessment Rev P2, which shows an attenuation basin in this part of the site.

In terms of impact on local highways, comments are awaited from the Highway Authority on the removal of the chicane feature on Pendragon Road to slow traffic in order to form the eastern access. To mitigate the impact of traffic generated by the proposed development on Beacon Lane, a financial contribution of £325,000 is required towards the mitigation measures in the Pinhoe Area Access Strategy. This must be secured in a s106 legal agreement.

4. Affordable Housing

In February 2022, the applicant increased their offer of affordable housing from the policy compliant level of 35% to 50%. Appendix 1 of the Planning Statement (February 2022) states a tenure split of 70% social rented and 30% intermediate or as near as economically viable will be provided.

Subject to agreeing the tenure split taking into account Exeter City Council First Homes Planning Policy Statement (June 2021), the provision of affordable housing would be acceptable. The increase in affordable housing above the level required by Policy CP7 is a sustainability benefit of the scheme. The affordable housing would need to be secured in a s106 legal agreement.

5. Design

The net density of the housing on the western field in accordance with the illustrative layout would be 40 dwellings per hectare and on the eastern field would be 41 dwellings per hectare. This is similar to the existing housing to the south – the net density of the block between Pendragon Road, King Arthur's Road, Avalon Close and Lancelot Road, discounting the play area, is 38 dwellings per hectare.

Saved Policy DG5 requires family housing proposals to provide 10% of the gross development area as level open space, including equipped children's play space, unless there is open space and play provision in the area which is well located and of sufficient size and quality to serve the development. 10% of the gross development area is 0.678ha. The total public open space on the illustrative layout, including the buffers around the edge, is 1.98ha, although some of this space might not be useable, due to biodiversity plantings and attenuation ponds within this area. Nevertheless, it's considered that the proposed development would be able to comply with this policy.

The analysis above demonstrates that the proposed number of dwellings is realistic for the site, notwithstanding officers' views regarding landscape impacts and loss of open space (see 1 and 2 above). Whilst no parameter plans have been provided, should the application be approved, it's considered that a condition should be added restricting the developed areas to those shown on the illustrative layout. This would ensure that buffers are provided between the development and the tree'd hedgebanks/hedgerows around and in the site, and will ensure that the higher parts of the site are kept free from development. The layout at reserved matters would also need to show the development outside the root protection areas of trees, unless this is agreed by the Council for specific reasons. The height of the dwellings should also be conditioned to be 2 storeys or less to minimise harm to the character/distinctiveness of the area.

Saved Policy DG1 requires development to ensure that schemes are integrated into the existing landscape of the City including its three-dimensional shape, natural features and ecology. Paragraph 130 c) of the NPPF states decisions should ensure that developments are sympathetic to local character and history, including the surrounding built development and landscape setting, while not preventing or discouraging appropriate innovation or change. Paragraph 4.4 (III) of the Residential Design SPD states *'The design and layout of new residential development will protect and enhance biodiversity on the site, and enhance connections between ecological features within and across the site. Existing areas and features of biodiversity value should be incorporated into the design and layout and wherever reasonably possible enhanced.'* It's considered that the formation of the two access from Pendragon Road across the grassed verge and through the tree'd hedgebank to the south of the site, which is designated a SNCI, would be contrary to these policies/guidance. The tree'd hedgebank is a high quality natural feature forming a clear boundary between the

urban area to the south and rural area to the north, and has high biodiversity value as part of the network of hedgebanks/hedgerows that contribute to the Exeter Slopes and Hills Landscape Character Area. It should be protected accordingly.

6. Impact on Trees

The Arboricultural Impact Assessment states trees T3, T4 and T5, and parts of tree groups 6 and 7 within the tree'd hedgebank to the south would need to be removed to form the accesses from Pendragon Road. However, trees T1 and T2 are also likely to be removed, due to their proximity to the western access. The Tree Impact Assessment Plan does not show the 3m wide shared cycle pedestrian facility through the hedgerow through the middle of the site as shown on the Highway Access plan, therefore it's likely that part of tree group 10 would also need to be removed.

T1 and T2 are mature and early mature Oaks of 16 and 17 metres respectively. T3, T4 and T5 are young/semi-mature Field maples on the grass verge, 6, 5 and 7 metres in height respectively. Tree group 6 comprises semi mature and early mature Turkey oak, Ash and Field maple trees up to 15 metres in height. Tree groups 7 and 10 comprise largely mature Oak trees and are described as high value features in the Tree Survey.

The Council's Tree Manager considers the removals regrettable, but acceptable subject to a significantly robust tree planting scheme. This could be conditioned. NB. This does not undermine the conclusions under 1 and 5 above.

7. Impact on Biodiversity

The site is part of the North Exeter Wooded Hills and Meadows 'Habitat Reservoir' shown on Figure 4 of the Green Infrastructure Study (April 2009) and Figure 3 of the Green Infrastructure Strategy – Phase II (December 2009). The southern part of the site and the tree'd hedgebank are also part of a SNCI. The site is therefore part of a wildlife corridor between Mincinglake County Wildlife Site to the west and Savoy Hill County Wildlife Site to the east. As discussed under 5 above, it's considered that the access roads would harm the landscape and ecological value of the tree'd hedgebank to the south and it should be protected. Devon Wildlife Trust have also commented that the extent of habitat loss in this regard has not been quantified and an assessment of the impact of this loss or proposals for subsequent mitigation have not been included in the Ecological Impact Assessment. The new hedgerow planting does not mitigate for this loss of habitat in relation to commuting bat species as planting is proposed directly adjacent to existing commuting/foraging habitat.

Protected species surveys were carried out for bats. At least 11 bat species use the site for foraging and commuting. The Ecological Impact Assessment states a key aim for the proposed development will be to maintain connectivity through the site. This

will allow bats to move between potential roost sites to the south and areas of good foraging habitat to the north, east and west. The buffer areas will be retained as 'dark zones'. A sensitive lighting strategy will be required. Five trees were identified as offering potential to support roosting bats. Two of these are within the tree'd hedgebank to the south in close proximity to the western access. The view of officers is that the gaps formed by the removal of sections of hedgebank and trees, and the street lights associated with the roads and car headlights are likely to have an adverse impact on the tree'd hedgebank in terms of its value to bats for commuting and roosting, as well as other wildlife.

Protected species surveys were also carried out for dormice and reptiles. No dormouse nests or other evidence of dormice were recorded on the site. Small populations of slow worm and lizard were recorded. Mitigation measures are identified accordingly and should be conditioned if the application is approved. However, the surveys were carried out between April and May 2021. Natural England Standing Advice states reptiles should be surveyed from April to mid-October. Further survey work should therefore be carried out in line with national guidance.

The Ecological Impact Assessment states common amphibians are likely to be present, although the potential for great crested newts is considered extremely low. No surveys have been provided for these species. The report suggests mitigation where further details will be provided in a LEMP. Devon Wildlife Trust considers further assessment is required to determine the presence/absence of great crested newts within all suitable water bodies within a 250m radius of the site.

Despite there being evidence of badgers using the site for foraging, commuting and dispersal purposes, a badger survey was not carried out. The Ecological Impact Assessment includes precautionary measures.

The Ecological Impact Assessment states invertebrates will be impacted at site level through the removal of grassland and minor sections of hedgerow. No surveys for invertebrates were submitted. However compensation and enhancement measures are provided in the report.

Natural England Standing Advice recommends full surveys are carried out for protected species if there is evidence they might be on or using sites. However, developers may not need to provide a detailed survey if they are able to show that protected species are unlikely to be affected even if they are on or near a development site. In exceptional circumstances, additional surveys can be conditioned. In this case, should the application be approved, it's considered appropriate to condition additional and updated ecological surveys to check whether species are still present and that the proposed mitigation is still appropriate. The Standing Advice states this is important for outline applications.

A Biodiversity Net Gain Assessment has been carried out stating there will be a 12.95% net gain in habitat units and 12.71% net gain in hedgerow units. The proposals are shown in Figure 2 of the Ecological Impact Assessment and include 80m of new hedgerow in the northeast corner of the site bordering the existing woodland in this part of the site. It does not appear to connect with existing hedgerow to the south. Given some survey work has not been carried out meaning a firm ecological baseline is missing and landscaping is a reserved matter, limited weight should be given to the biodiversity net gain assessment.

Overall, the proposal is considered to harm biodiversity. It would have a significant impact on the tree'd hedgebank to the south within a SNCI through the formation of the access points removing sections of hedgebank and trees. It therefore conflicts with Policy CP16, which protects the biodiversity value of sites of local conservation importance including SNCIs. It also conflicts with saved Policy LS4, which only permits harm to a SNCI or wildlife corridors if the need for the development is sufficient to outweigh nature conservation considerations, and the extent of any damaging impact is kept to a minimum and appropriate mitigation and compensation are implemented. The development is not needed in this location and does not outweigh the nature conservation benefits of the site. The development also conflicts with NPPF paragraph 174 d) – *'decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'*.

With reference to The Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to the potential impact on the Exe Estuary Special Protection Area (SPA). This AA has been carried out and concludes that the development could have an impact in combination with other residential developments primarily associated with recreational activity of future occupants. However, this impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils, and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

8. Contaminated Land

The Geo-Environmental Desk Study states the site may have been used for landfilling purposes and is recorded as an historic local authority landfill. An extensive area of landfilling has been recorded to the west. Contamination may therefore be present on the site posing an unacceptable risk to future site users. Both the Environment Agency and Environmental Health recommend the full contaminated

land condition accordingly, as well as the condition for dealing with unsuspected contamination.

9. Archaeology

The Heritage Statement states that the site is situated within a landscape in which there is known evidence for prehistoric and Roman occupation. There is therefore considered to be unknown potential for previously unknown below-ground archaeological deposits of these dates to be present and the site is considered to have some topographic potential for both prehistoric burials in the form of ring ditches around former barrows and later prehistoric/Romano-British settlement. There is also potential for below-ground archaeological deposits relating to former land division recorded on historic maps to survive as infilled ditches beneath the current ground surface within the site.

The standard condition requiring a written scheme of archaeological work and its implementation should therefore be added should the application be approved.

10. Impact on Air Quality

The site is not within or in close proximity to the Air Quality Management Area. The Air Quality Assessment recommends dust mitigation during the construction stage. The standard condition for a Construction Method Statement should be added if the application is approved accordingly. The reports states that traffic generation from the development would have a negligible impact on NO₂ and PM concentrations at sensitive receptors. Notwithstanding, it states that the proposals will incorporate the following measures to help reduce operational emissions and ensure a sustainable development:

- Rapid charge electric vehicle charging points
- All gas fired boilers would meet a minimum standard of <40 mgNO_x/kWh
- Designated parking space on site to be utilised by a local car share scheme
- Provision of a covered location for electric bike hire
- A travel plan

Overall, the proposal would not harm air quality and therefore does not conflict with Policies CP11 or EN3.

11. Flood Risk and Surface Water Management

Policy EN4 does not permit development if it would be at risk of flooding. The development is within Flood Zone 1 and the proposed use is classified as 'more vulnerable' (see PPG). 'More vulnerable' uses are appropriate in Flood Zone 1, therefore the proposal accords with Policy EN4.

Policy CP12 requires all development proposals to mitigate against flood risk utilising SuDS where feasible and practical. The revised Flood Risk Assessment includes a Proposed Drainage Strategy incorporating above ground basins. This was confirmed as acceptable by Devon County Council as Lead Local Flood Authority, subject to a pre-commencement condition for soakaway testing and a detailed drainage design, along with other matters. However, the Lead Local Flood Authority has been reconsulted following the submission of revised highway access plans showing a 3m wide shared cycle pedestrian facility in the southwest corner of the site where a drainage basin is shown on the Proposed Drainage Strategy. An update will be provided on the Additional Information Update Sheet.

12. Sustainable Construction and Energy Conservation

Policy CP15 requires development proposals to demonstrate how sustainable design and construction methods will be incorporated. The Sustainability Statement states improved design and construction measures will be considered at reserved matters, such as: fabric first approach; orientation and solar gain; locating windows at heights to allow solar penetration in winter and installing shading features to prevent overheating in summer; passive ventilation; and water recycling measures.

Policy CP15 requires residential development to be zero carbon from 2016. However, national Planning Practice Guidance states that local planning authorities can set energy performance standards for new housing that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes. Therefore, this is the standard currently sought in respect of energy and CO2 emissions for residential development within the city. If the application is approved, the standard conditions should be added accordingly.

Policy CP13 requires developments with 10 or more dwellings to connect to any existing, or proposed, Decentralised Energy Network (DEN) in the locality. The site is not located within an existing DEN or within one of the proposed DEN areas referred to in emerging Policy DD32, as shown on the Development Delivery DPD Proposals Map.

Policy W4 of the Devon Waste Plan requires planning applications for major development to include a Waste Audit Statement. A Waste Audit Statement was submitted, but the Waste Planning Authority requested more information. If the application is approved, a pre-commencement condition should be added for a complete Waste Audit Statement accordingly.

13. CIL/S106

The proposed development is CIL liable, as it is for residential development. The rate for permission granted in 2022 is £118.57 per sq m. This is charged on new floorspace, but does not include social housing provided a claim for social housing relief is made. As the application is outline, the CIL liability cannot be calculated until reserved matters details are submitted.

If the application is approved, the following obligations should be secured in a s106 legal agreement:

- 50% 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.

In accordance with the advice given to Planning Member Working Group in August 2019, the £164,293 contribution requested by the Royal Devon and Exeter NHS Foundation Trust towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development is not considered to comply with the CIL/NPPF tests for obligations and therefore is not sought at the current time.

14. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

The application is not considered to accord with the Development Plan as a whole. It is considered to conflict with Policies CP16 and CP18 (if the obligations in 13 above are not secured), and saved Policies H1, L3, LS4, DG1 and LS1 (in so far as it carries weight).

As confirmed by the Land at Pennsylvania Road appeal, the Council does not have a 5 year housing land supply. It has a supply of 4.8 years, i.e. a shortfall of 220 dwellings. This was described as a modest shortfall by the Inspector and it should be noted that additional residential permissions have been granted since the appeal was determined. However, the tilted balance set out within paragraph 11 d) of the NPPF is engaged. This pushes the decision towards granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case, the adverse impacts are considered to significantly and demonstrably outweigh the benefits, taking into account the NPPF policies, which was also the case for the Land at Pennsylvania Road appeal.

The main sustainability benefit of the application is the delivery of affordable housing to meet local needs. The applicant increased the offer of affordable housing from 35% (policy compliant) to 50% in February 2022. This indicates that the applicant did not consider that the application was acceptable with the policy compliant level of affordable housing, taking into account the adverse impacts. If the maximum number of dwellings applied for were constructed, 50 would be affordable dwellings, 15 more than the policy compliant level. This is a material consideration that carries moderate-high weight in the overall planning balance. However, it is not considered significant enough to outweigh the significant landscape and environmental harm that would be caused by the development on this site in the Landscape Setting area. Accordingly the application should be refused.

17.0 Conclusion

The proposed development would harm the character and local distinctiveness of the hills to the north of the City, which form a rural backdrop to the City, and would breach the natural edge of the City formed by the tree'd hedgebank and change in levels north of Pendragon Road. The development would be visible from publicly accessible areas in Ludwell Valley Park to the south and Savoy Hill Valley Park to the east, as well as other parts of the City, damaging the landscape setting of the City and views of the rural landscape. It would also be visible through the gaps in the hedgebank that would be created to form the access roads into the site and through the vegetation from the lower section of Mile Lane, harming the character of Mile Lane which is within a Valley Park and SNCI. The removal of sections of hedgebank and trees to form the accesses would harm the SNCI along the southern boundary of the site, which acts as a wildlife corridor together with the rest of the site between Mincinglake County Wildlife Site to the west and Savoy Hill County Wildlife Site to the east. The tree'd hedgebank is a natural feature in its own right that should be protected for its landscape and ecological value in the public realm.

Furthermore, the land is currently and has historically been used by the public for informal recreation, therefore replacement open space of equivalent quantity and quality should be provided in accordance with saved Policy L3 and paragraph 99 of the NPPF. The Public Open Space indicated on the illustrative layout does not satisfactorily compensate for the loss of open space in terms of quantity or quality.

The applicant has increased their offer of affordable housing from 35% (policy compliant) to 50%. This indicates a recognition by the applicant of the adverse impacts. The provision of up to 50 affordable dwellings on the site is a sustainability benefit that weighs in favour of the application, however it does not outweigh the significant harm that would be caused by the development to the character of the landscape in this part of the City and to the biodiversity value of the site.

18.0 Recommendation

REFUSE PERMISSION 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.

**Planning Application No. 21/0020/OUT - Land Off Pendragon Road, Exeter
LVA Review, Landscape Siting Considerations and Landscape Policy Review**

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LVA Review, Landscape Siting Considerations and Landscape Policy Review

EXECUTIVE SUMMARY

- a. My name is Anne Priscott, I am a chartered landscape architect with over 25 years experience. I have reviewed the LVA and proposals for this site at the request of Exeter City Council to address the landscape and visual impact issues relating to the proposed housing development on land off Pendragon Road. Through my review I consider the effects of the proposed development upon the landscape and visual receptors and landscape related policy.
- b. A number of studies have been undertaken that underpin the Local Plan and the development policies set out within it. These evidence-base studies are appraised. They form a key part of the landscape analysis. The site on the southern edge of **Zone 3** identified in the **Exeter Fringes Study (2007)**.
- c. **Zone 3** is a very extensive zone that includes the site on the south-eastern edge. The sensitivity of Zone 3 including the site is assessed as being high. High equates to: *key characteristics of landscape are very vulnerable to change and / or have significant value as a landscape resource*.
- d. The capacity for **Zone 3** is set at low, whereby the: *thresholds for change are very low and the area is unable to accommodate development without significant adverse effects*, further articulated in the supporting text where no capacity for housing is recorded.
- e. The application documents were reviewed by the then Council's Place Making Officer Chris Westlake before he retired in spring 2021. His and the planning officer observations led to the request for an LVA and other additional supporting information.
- f. The Application LVA, submitted in July 2021, is very scant, and in failing to consider landscape value, susceptibility to change and sensitivity to either landscape or visual change, and in not analysing the site in the context of the broader city and landscape setting, does not meet the standards for LVA required by the Landscape Institute as articulated through GLVIA3.
- g. The site is contained within the wider city area boundary, within the setting of the city, but it is located outside of, albeit adjacent to, the urban boundary identified on the **Local Plan Proposals Maps**.
- h. The site, whilst not on the skyline from more distant views, does occupy an elevated position on the slopes which are covered by **Policy Area LS1** that identifies land contributing to the **Landscape Setting of Exeter**.
- i. There is an overarching landscape and policy objective to protect important views to and from the hills surrounding the city of Exeter.
- j. There is a policy objective to protect the landscape's rural character in close proximity to urban areas by resisting piecemeal urban expansion and recreational developments which undermine landscape patterns and sense of place. This is one of the starting points when reviewing this development in relation to the landscape, views and policy objectives. This site falls within the category of a piecemeal development.
- k. Therefore, having reviewed the LVA and policy objectives of the City Council, the development as proposed would not accord with the objectives of Policy LS1 of the Exeter Local Plan First Review and Policy CP16 of the Exeter Core Strategy. The development would result in harm to the character and local distinctiveness of this rural area. This would be highly detrimental, contributing to the urbanisation of the rural area and detracting from the rural green hillside setting.
- l. The creation of vehicular access on the south-western and south-eastern sides of the site onto Pendragon Road would create unacceptable adverse impacts that would impact on the existing spaces between the site and Pendragon Road.
- m. In this regard, should the site be consented for outline planning, the access routes as shown would fail to deliver the objectives of policy DG1, particularly sub-sections a, b, c, f and h.

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LVA Review, Landscape Siting Considerations and Landscape Policy Review**

- n. The development of the site in this location would result in the loss of two sections of linear boundary feature fronting onto Pendragon Road and probably a section of hedge dividing the two fields. This would be detrimental to the visual landscape character and appearance of the area. These trees are healthy and would not have to be removed in the absence of the application. The tree survey describes these trees, particularly those in group 7, as being high value features of landscape and ecological value and key trees / feature. Root protection zones are not shown on any of the submitted documents to show if the proposed access arrangements would impact on any other individual trees or tree groups.
- o. Clearly there is a stated intention in Policy CP16 that the hills forming the setting of the city are to be protected. This is unequivocal. In addition, the Core Strategy Key Diagram clearly shows the combination of the landscape setting and valley parks as being fundamental elements in maintaining the objectives set out in para 4.11 of the Core Strategy; *by: (4th bullet point) steering development away from the hills to the north and north west that are strategically important to the landscape setting and character of the city.*
- p. All of the planning policies, development plan evidence base documents, the landscape character assessments and planning application advice has been consistent in showing graphically and documenting this strategy.
- q. Taking this back to the national level, the NPPF (2021) states clear objectives, in relation to achieving well-designed spaces, at paragraph 130. The development would not accord with NPPF paragraph 130 sub-sections a, b (access) and c. In addition, the proposals as presented conflict with NPPF Paragraph 174.

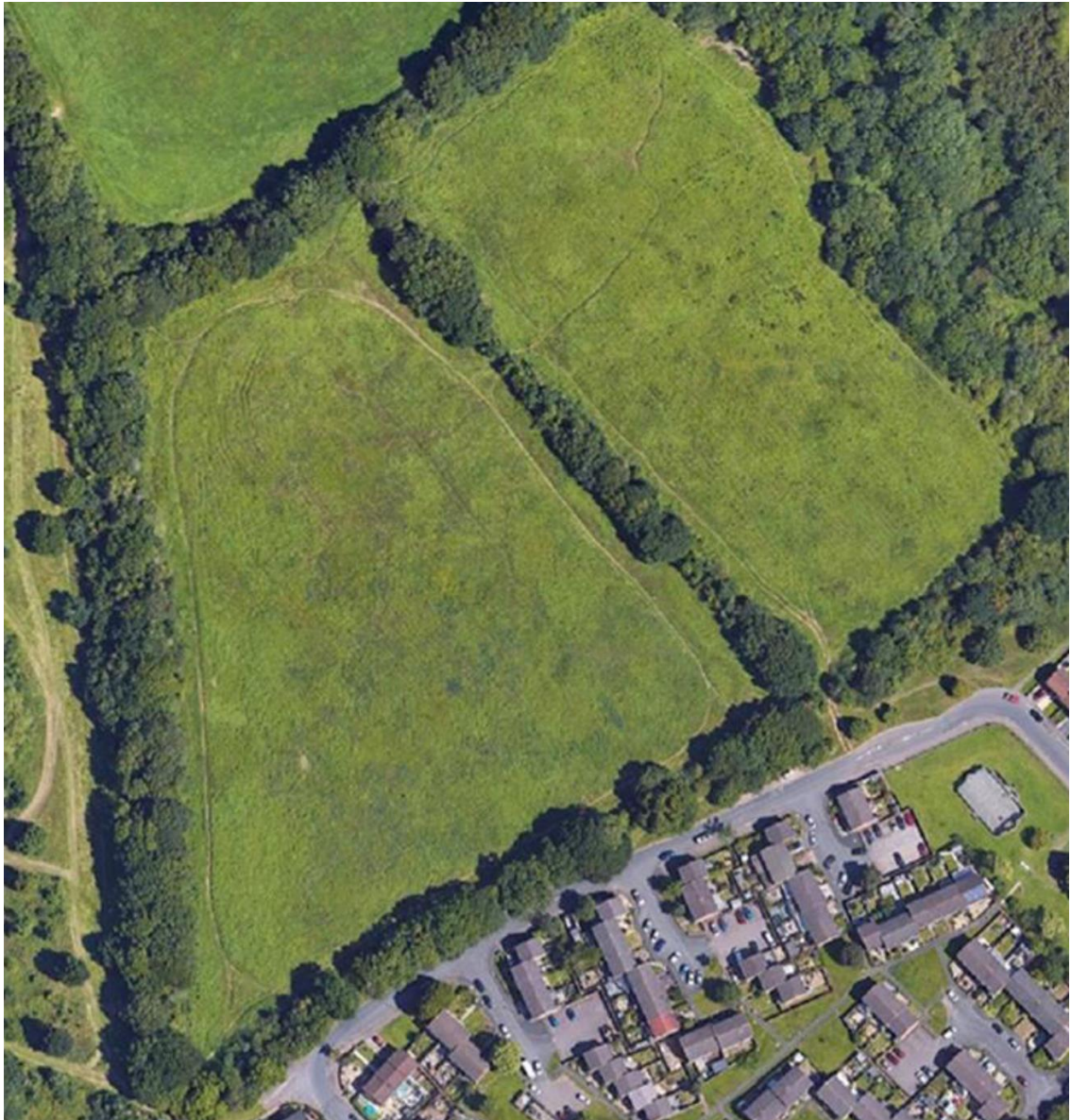
Anne Priscott (CMLI)

**Planning Application No. 21/0020/OUT - Land Off Pendragon Road, Exeter
LVA Review, Landscape Siting Considerations and Landscape Policy Review**

Introduction

- 1 An outline planning application for residential development at Land off Pendragon Road, Exeter has been submitted to Exeter City Council. The application seeks permission for the construction of up to 100 dwellings, with all matters reserved for future determination, with the exception of access.

Figure 1: Site Location: Two fields shown in aerial photograph extract below



- 2 The following document sets out a review of the landscape character assessment and landscape policy relating to the site and the proposed development, a review of the Illustrative Layout Plan for the site (**Figure on cover**), landscape impact documentation and other relevant documents submitted with the application to assist the planning case officer in determining the application.

Introduction to the Relevant National and Regional Landscape Designations within the Study Area

Development Plan Policies

- 3 **The National Planning Policy Framework** (2021) sets out the overarching policies and guidelines within which the proposed development would sit.
- 4 The NPPF (2021) states, in relation to conserving and enhancing the natural environment, at paragraph 174 that: *Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
 - c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
 - d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
 - e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
 - f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

Development Plan Policies

The Exeter City Council Local Plan

- 5 Chapter 11 of the Exeter City Council Local Plan sets out that the landscape setting and nature conservation objectives of the plan are to protect the features and characteristics of the countryside which form the setting of the City and which establish its distinctive identity; and to protect sites and features of nature conservation importance.
- 6 Paragraph 11.4 records that: *The Council has carried out a landscape appraisal of all open countryside in and around the City. Based on this appraisal, open land is identified which is to be protected from development because of its intrinsic merit and its contribution to the distinctive landscape setting of the City.*

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- 7 The site is located on the south-eastern corner of **Zone 3** identified in the **Exeter Fringes Study** (analysed below), running east from Mile Lane across two field parcels.
- 8 The Local Plan sets out at paragraph 11.5: *The continuous nature and sheer size of hills to the north are of major landscape significance, providing the largest and most important part of the landscape setting and containment of the City, which is so essential to its character. The hills extend for 5 kilometres east to west and represent about one eighth of the City Council area outside the urban limit. Although physically separated, this area continues west of the River Exe Valley to include the hills to the north and west of Exwick. Together with the lower lying land of the adjoining valleys of the River Exe, Culm and Clyst, the landscape also forms an integral part of the wider rural scene. By containing the urban area, the hills, which are themselves intrinsically attractive, preserve the pastoral landscape of a large part of East Devon. The links with the Valley Parks (see 7.7-7.22) enhance their value by bringing the countryside well into the built-up area of the City.* The site adjoins the Mincinglake Valley Park, west of Mile Lane.
- 9 The plan sets out at paragraph 11.11: *The appraisal above demonstrates that the open land around Exeter performs a variety of roles including the separation of settlements, maintaining distinct identities and enabling informal recreation. It contains high quality agricultural land and land of nature conservation importance. Overall, it contains land of intrinsic landscape merit which provides the setting for the City as a whole and for local areas. It is the combination of these roles and qualities and their relationship with, and importance to, the population of the adjoining urban area which establishes the unique nature of this land compared to the wider countryside and merits its protection from inappropriate development.*
- 10 The plan sets out at paragraph 11.12: *Development in these areas will not be permitted unless it maintains local distinctiveness and character. Local distinctiveness is that which sets a locality apart from anywhere else. Acceptable uses will be concerned with agriculture or forestry, the change of use, conversion or appropriate extension of buildings or the provision of infrastructure. The Council wishes to encourage rural enterprise and will allow for the re-use or adaptation of agricultural, horticultural and other rural buildings for new uses, providing their form, bulk and general design are in keeping with their surroundings and the landscape quality of the area is protected. Active outdoor recreation will also be permitted, subject to certain safeguards (see 11.14).*

Policy LS1

- 11 **Policy LS1** states that: *Development which would harm the landscape setting of the city will not be permitted. Proposals should maintain local distinctiveness and character and:*
- 12 *(a) be reasonably necessary for the purposes of agriculture, forestry, the rural economy, outdoor recreation or the provision of infrastructure; or*
- 13 *(b) be concerned with change of use, conversion or extension of existing buildings:*

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14 *Any built development associated with outdoor recreation must be essential to the viability of the proposal unless the recreational activity provides sufficient benefit to outweigh any harm to the character and amenity of the area.*

15 The site is located within the setting of the city and on land covered by LS1, however, policy LS1 is afforded lower weight than the more recent Core Strategy policies.

The Exeter City Council Core Strategy

16 The Exeter City Council Core Strategy policies are relevant to the development proposals.

17 Paragraph 2.27 records that: *The city enjoys a high-quality environment, with valley parks, formal city parks, the Exeter Ship Canal, the Exe Estuary and important wildlife sites. The hills to the north and north west of the city, particularly the ridgelines, give Exeter a distinctive character. The city's varied terrain, influenced by the River Exe and its tributaries, add to its appeal.*

18 Paragraph 10.35 records that: *The Exeter Local Plan First Review identifies several areas of open land, designated as 'Landscape Setting', to be protected from development because of their intrinsic merit and their contribution to the distinctive landscape quality of the city. These were identified following landscape appraisal studies carried out in 1997 and 1999.*

19 Paragraph 10.36 records that: *This issue is thoroughly reviewed in the 2007 Landscape Sensitivity and Capacity Study, which assesses robustly the qualities of the landscape and identifies the extent to which each area has capacity to accommodate development. The study provides the detailed evidence that supports the protection of areas of landscape sensitivity including those areas that provide the strategic landscape setting for the city.*

20 Paragraph 10.37 records that: *These areas, which continue to be designated as 'Landscape Setting', include part of the Clyst Valley, Knowle Hill and the hills to the north and west which have a particularly important role to play in forming an attractive green setting for the city, in addition to their intrinsic landscape value. They are complemented by seven designated Valley Parks that provide 'green lungs' within the city, make an important contribution to biodiversity, provide formal and casual recreation opportunities, and are readily accessible by foot or cycle.*

21 Paragraph 10.39 records that: *The Spatial Strategy (see Section 4) provides for growth to the east and south west of the city in those areas that the Landscape Study concludes are of medium to low landscape sensitivity and have medium to high capacity for development. The 'Landscape Setting' designation in these areas is, accordingly, deleted. Any development in the remaining designated areas, must ensure that the character and local distinctiveness of these areas is protected and enhanced. Further guidance will be set out in the Development Management DPD.*

Policy CP16

22 **Policy CP16** states that: *The strategic green infrastructure (GI) network is shown on the key diagram. The Exeter GI network has been identified to protect and enhance current environmental assets and local identity and to provide a framework for sustainable new development.*

GI will be an integral part of planning for the urban extensions at Monkerton/Hill Barton, Newcourt and Alphington. New multifunctional areas of green space and green corridors will be created to meet the needs of these new communities. A sustainable movement network will link the urban area to the urban extension and beyond to the open countryside. To the east of the city green corridors, that incorporate multi-use trails (for cycling, walking and horse riding) and provide high quality biodiversity habitat, will link Exeter to the proposed Clyst Valley Park and on to Cranbrook.

23 *The character and local distinctiveness of the areas identified below, will be protected and proposals for landscape, recreation, biodiversity and educational enhancement brought forward, in accordance with guidance in the Green Infrastructure Strategy, through the Development Management DPD:*

- *the hills to the north and north west;*
- *Knowle Hill to the south west;*
- *the strategic gap between Topsham and Exeter;*
- *and the Valley Parks: Riverside, Duryard, Mincinglake, Ludwell, Alphington to Whitestone Cross, Savoy Hill and Hoopern.*

24 *The Exe Estuary European Site will be protected. Development that is likely to have a significant effect on the integrity of the Exe Estuary, East Devon Pebblebed Heaths/East Devon Heaths or Dawlish Warren European sites will be subject to the Habitats Regulations 2010 and the requirement East therein to undertake a Habitat Regulations Assessment. Contributions will be sought from new development towards management and other measures at the Exe Estuary, Dawlish Warren and Pebblebed Heaths and at other European sites as may be justified by the emerging evidence base.*

25 *The biodiversity value of Stoke Woods and Bonhay Road cutting SSSI, and all other sites of national, regional and local conservation importance will be protected, and unavoidable impacts mitigated and compensated for, in accordance with their relative status.*

26 *Biodiversity enhancement areas, for the restoration or creation of new priority habitats, will be identified within the strategic nature areas to the north of the city and in other areas of biodiversity and geological interest. Proposals for these areas will be brought forward through the Development Management DPD.*

27 *Opportunities to provide green corridors, open space and allotments, to enhance cycling and walking opportunities, to link existing habitats, to incorporate environmental assets and to integrate biodiversity, proposed by the Exeter Green Infrastructure Strategy, will be secured through partnership working, direct implementation and the application of Policy CP18 (see Section 11).*

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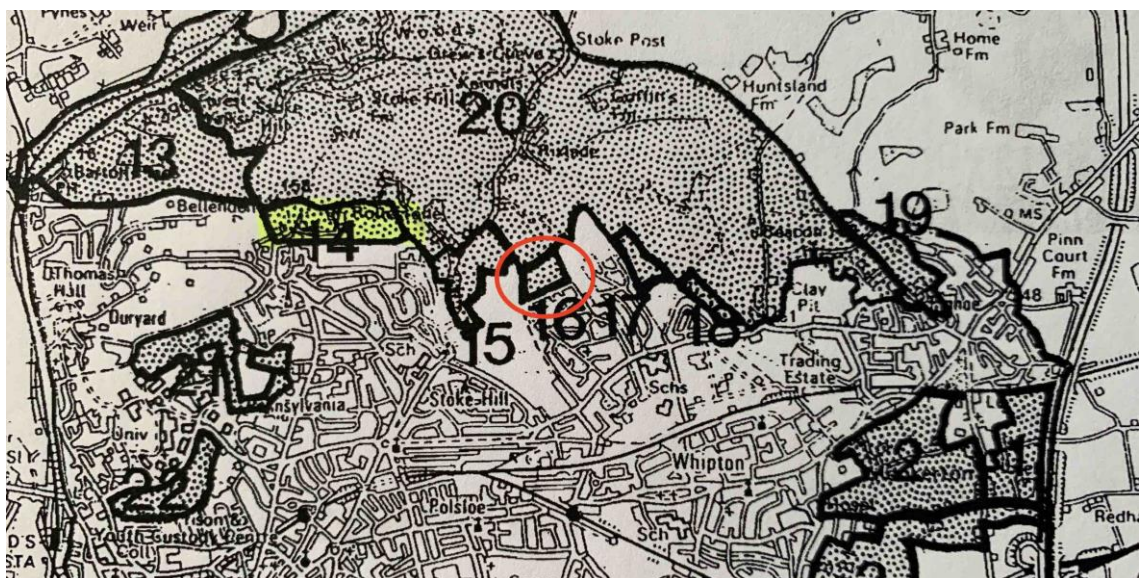
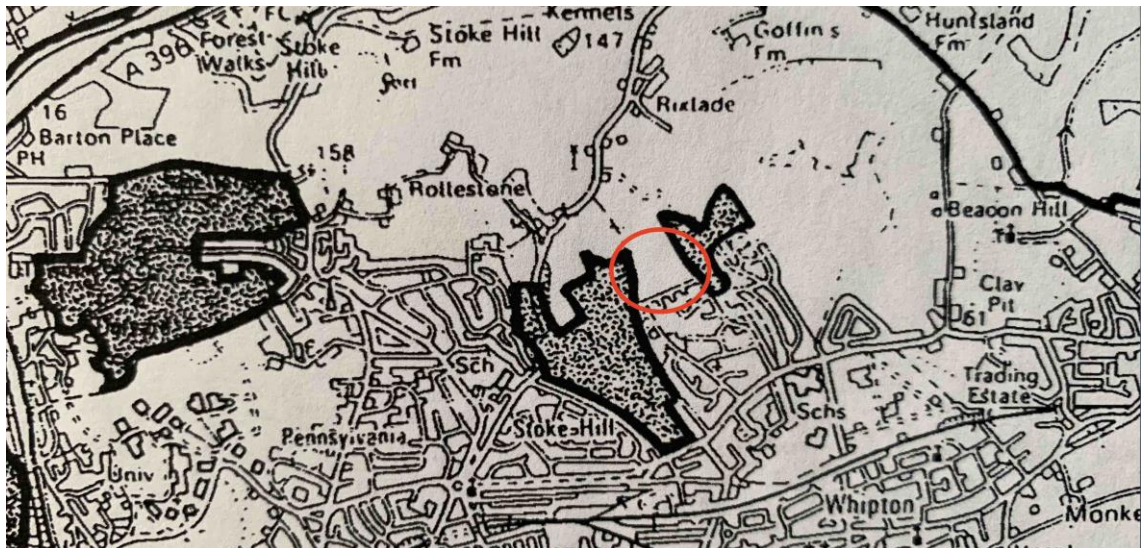
Evidence Base Used by Exeter City Council in formulating their Local Plan.

28 A number of studies have been undertaken that underpin the Local Plan and the development policies set out within it. These evidence-base studies are now appraised. They form a key part of the landscape analysis. The Exeter Local Plan First Review and the Core Strategy make reference to landscape appraisals that have been used to inform the approach followed by the Council in formulating their strategy for managing landscape and green infrastructure issues.

Appraisal of the Landscape Policy Areas and Valley Parks (August 1997)

29 The **Appraisal of the Landscape Policy Areas and Valley Parks (August 1997)** document sets out an appraisal of all the land within the environs of Exeter that was designated in the Exeter Local Plan First Alteration (Adopted November 1993).

Figure 2: Area 16 from Appraisal of the Landscape Policy Areas and Valley Parks (1997) (2 plans)



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30 The document contains an appraisal of 23 parcels of land, including the valley parks all combined into area 23. This site is Area 16, sandwiched between two prongs of Area 23, with Area 20 to the north.

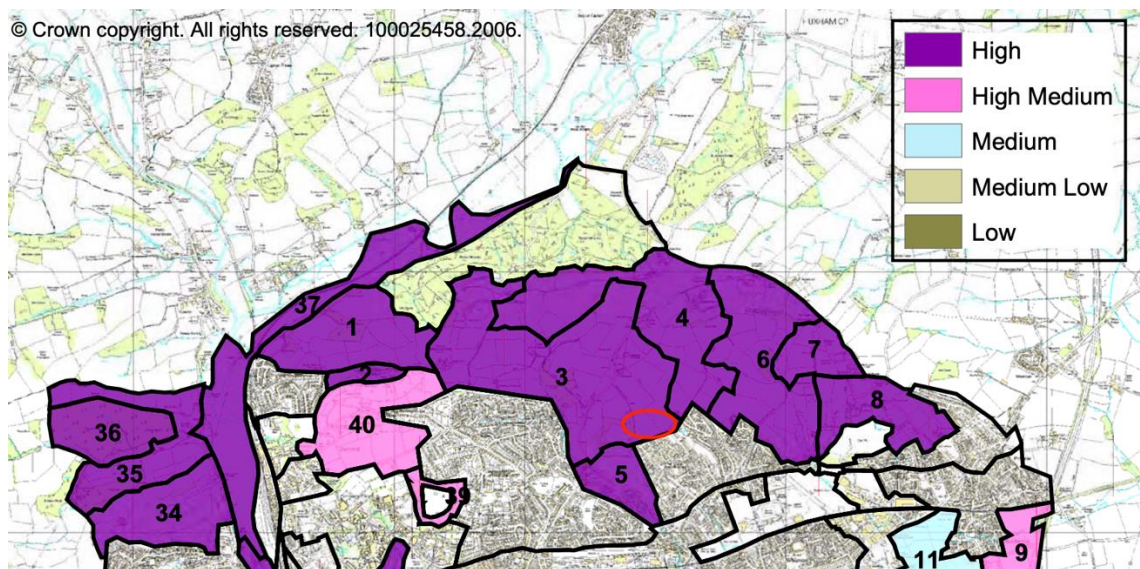
Exeter Fringes Study (February 2007)

31 **The Exeter Fringes Study** (February 2007) formed part of the supporting studies for the Core Strategy, and assessed the landscape sensitivity and capacity of the, predominantly, greenfield, fringe areas of the City, updating the 1997 study. The objective of the study was to: *Assess the capacity of the landscape around the fringes of Exeter to accommodate development and to identify those landscapes that should be protected from development, taking into account the value of these landscapes and their sensitivity to change.* The study records at paragraph 1.3 how the City is under significant pressure from development and that there is a need to provide a sound landscape basis to determine which greenfield areas are appropriate for development and those that do not have capacity for development.

32 In this study sensitivity is taken to mean the landscape sensitivity itself, the inherent sensitivity to any change and the capacity relates to the ability of the landscape to accommodate different forms or amounts of change, whether housing or industry.

33 The study considered and reported on 44 zones in the assessment. **Figure 3: Exeter Fringes Study (February 2007) Assessment Zones** shows the parcels of land considered around Exeter, with the application site located within an area identified as **Zone 3**.

Figure 3: Exeter Fringes Study (February 2007) Assessment Zones – landscape sensitivity

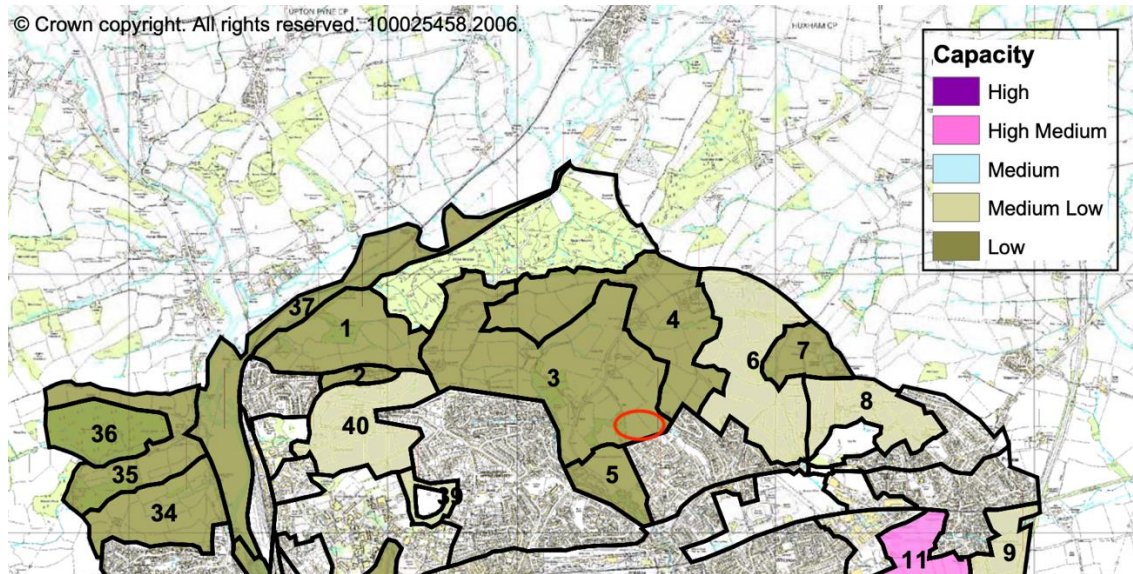


34 **Zone 3** is a very extensive zone that includes the site on the south-eastern edge. The sensitivity of Zone 3 including the site is assessed as being high. High equates to: *key characteristics of landscape are very vulnerable to change and / or have significant value as a landscape resource.*

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35 The capacity for **Zone 3** is set at low, whereby the: *thresholds for change are very low and the area is unable to accommodate development without significant adverse effects.*

Figure 4: Exeter Fringes Study (February 2007) Assessment Zones – housing capacity



36 It might be argued that due to the large size of the zones some of the assessments must represent an average measure of sensitivity, and that rather than accurately assessing the precise capacity of all of the parcels of land within the zone, generalisations will have been drawn. There is some merit to this argument. However, under the justification section the report records for Zone 3 that the: *Prominent hill and valley sides form a strong positive rural backcloth to the city with an important fort and Roman station. The area has no capacity for housing because of its prominence, rural character and intrinsic sensitivity.*

37 This is an absolutely unequivocal statement that goes beyond saying low capacity to articulate no capacity for change of an urbanising form, setting out that the skyline forms a strong backcloth to the city and that it is a highly visible zone. Reinforcing the Council’s view that the hills to the north and west have a particularly important role to play in forming an attractive green setting for the City, in addition to their intrinsic landscape value.

38 It is important to note that by comparison, the justification section the report records for Zone 6 that the: *Prominent hill and valley sides with high intrinsic sensitivity form strong positive rural backcloth to the city. The area has very limited capacity for housing because of its prominence, rural character and intrinsic sensitivity.* (my emphasis). In this regard I draw attention to the application at Spruce Close falling predominantly in Zone 6 that recently had an officer recommendation for approval for a very carefully worked out scheme on less sensitive land whereby a large amount of land would be secured for permanent public enjoyment as part of the scheme. Even this was refused at committee by members.

39 The study offers both broad initial conclusions and provides a very robust starting point for more the site-specific analysis for these two fields set next to each other, set out below.

CEC Visual Evaluation Report (September 2013)

- 40 **The CEC Visual Evaluation Report** (September 2013) produced a Visual Land Parcel Evaluation of a number of sites that the Strategic Housing Land Availability Assessment (SHLAA) had previously identified as unsuitable for development under the current strategic planning policy, but that developers had shown interest in bringing forward.
- 41 The sites were assessed in terms of their visual value and their visual susceptibility in order to identify their visual sensitivity. The site that is the subject of this application is not part of the SHLAA, and accordingly not included in the **2013 Exeter Visual Site Evaluation Study** analysis.

Conclusions I have Reached on the Council's Documented Landscape Policy Evidence Base

- 42 The Exeter Fringes Study records conclusions that demonstrate that the most sensitive areas of undeveloped land around the City, with the least or no capacity, were identified as the line of hills to the north and north west of the City, including the land covered by the application site.
- 43 The Core Strategy confirms that the Exeter Fringes Study forms the evidence base used to determine the strategic locations for growth around Exeter. It states that the Exeter Fringes Study: *robustly assesses the qualities of the landscape and identifies the extent to which each area has capacity to accommodate development. And that it: provides the detailed evidence that supports the protection of areas of landscape sensitivity including those areas that provide the strategic landscape setting for the city.*
- 44 All of these studies acknowledge that Exeter has been and remains under significant pressure to identify development land, so it is important to note that the need to identify suitable land for development as well as protecting the more sensitive areas underpinned the overall objectives of all of the studies.
- 45 Chronologically it becomes evident that land has been consented and developed firstly on the least sensitive sites and latterly on some of the more valued and more sensitive locations. None of Zone 3 has been released for housing development.
- 46 The approach advocated by this suite of policy and guidance documents has been used in the following review.

LVA Review

- 47 The original application documents were reviewed by the then Council's Place Making Officer Chris Westlake before he retired in spring 2021 (email to Matthew Diamond dated 18th February 2021).
- *The site is an integral part of the hills to the north of Exeter which are of major landscape importance and which contains the urban extent of Exeter, providing a setting for the city as well as a rural backdrop to the existing residential areas to the south-west and south-east.*
 - *The site is a component part of the area included in the Exeter Slopes and Hills as identified by the Devon Landscape Character Area Assessment which is described as having a strongly rural character*

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despite its proximity to Exeter. At a more local level the site is assessed as being part of Landscape Character Type 3A Upper Farmed and Wooded Valley Slopes which identifies more detailed characteristics.

- *Development of the site would mean extending residential development beyond the built-up area potentially resulting in a harmful effect on the character and appearance of the area.*
- *The loss of this farmland would be to the detriment of the wider landscape and the rural character of the area, of which it is an integral part and could create a detrimental precedent resulting in further proposals on the neighbouring land and potentially piecemeal development elsewhere in the area.*
- *The proposed development of the site would be contrary to Local Plan policy LS1 since it is evidently not reasonably necessary for the purposes of agriculture, forestry, the rural economy or concerned with change of use, conversion or extension of existing buildings.*
- *Similarly, the proposals would be contrary to the core Strategy Policy CP 16 which includes protection of the character and local distinctiveness of the hills to the north of Exeter.*
- *The Exeter Fringes Landscape Sensitivity and Capacity Study identified the site (zone 3) as having a high landscape sensitivity and a low to capacity for housing use.*
- *No context appraisal or assessment of the site and the proposals in the form of a Landscape and Visual Impact Appraisal is provided that might otherwise provide justification for the proposed development.*
- *The southern boundary of the proposed site comprises a Site of Nature Conservation Interest (SNCI) which acts as a green corridor linking the SNCI to the north-east with the Mincinglake Valley Park and SNCI to the west. This would be breached in two places by the proposed access road.*
- *Illustrative Master plan: this suggests that the layout would be generated primarily by the proposed access roads rather than by overarching design concepts and objectives.*

48 His and the planning officer observations led to the revision of the application with the notable addition of a landscape and visual appraisal on 29th July 2021.

Landscape and Visual Appraisal Review

49 The LVA authors usefully set out the LVA structured around:

- Features of the site and its context;
- Landscape character of the site and its relationship to its surroundings; Y
- Landscape-related planning designations;
- Views towards the site; and
- Changes to landscape features, landscape character and views arising as a result of the development proposals.

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50 Due to the timing of the assessment, the work was undertaken in full leaf conditions in June 2021.

51 The LVA authors set out that the LVA was undertaken following guidance set out in GLVIA3. However, it is notable that there is no assessment of landscape value, landscape susceptibility to the proposed development or an assessment of the sensitivity of the site to change. These are key elements of any assessment and without these values being determined, a transparent assessment cannot be undertaken. There is no mention of the Exeter Fringes Study (2007) and there are a number of factual errors in the report that lead to the conclusion that the LVA is not fit for purpose. A few of these are highlighted in the relevant sections below.

Landscape character of the site and its relationship to its surroundings

52 LVA Para 3.3.6 correctly records that: The key characteristics of LCT 3A which are relevant to the study area include:

- *Undulating or rolling upper valley slopes.*
- *Pastoral farmland, with a wooded appearance, and arable cultivation on lower slopes.*
- *Small to medium size fields with irregular boundaries.*
- *Deciduous woods and copses, especially on hilltops and upper slopes.*
- *Very wide, usually low, species-rich hedges with many hedgerow trees.*
- *Dispersed settlement pattern of isolated farms and small villages.*
- *Very winding narrow lanes.*
- *An intimate and intricate landscape with wider views often restricted by vegetation.*
- *Frequently remote and tranquil with little modern development.*

53 LVA para 3.6.7 records that: *Many of the key characteristics above apply to the northern half of the study area, that is, to the north of the site. However, the southern half of the study area, south of the site, is almost entirely developed, with largely modern development immediately to the south and south-east of Pendragon Road.*

54 This statement is misleading, in actuality, the site is within the rural hinterland that entirely falls within LCT 3A. The land to the south of the site falls within the urban area. There should be no suggestion that the site is part of the urban area or that there is some notable characteristic that links to the site to the south and separates the site from the rural hinterland. The site is rural and forms the setting of the city and an important part of the ridge that runs between Stoke Hill and Beacon Hill.

55 The only further analysis in relation to landscape character is found at paragraphs 3.6.8-9 where the LVA author states that: *As can be seen from Site Character Photographs A and B in Appendix A, the site is surrounded by mature hedgerows which effectively separate it from the wider countryside.* This is again a misleading statement. There is no perceptual or character change between the site and the land to the north. It is important to note that the level changes between the site and Pendragon Road are substantial and this in combination with the wide verge and trees north of Pendragon Road create a very clearly defined edge to the urban area. It is here that the mature trees and hedges effectively separate the site from the urban area.

Figure 5: View north towards and including the site from PROW on land north of Ludwell Lane



Figure 5a: View north towards and including the site from PROW on land north of Ludwell Lane - extract



56 The LVA author states in the next section of paragraph 3.6.8 that: *It has a partly pastoral character, with a gently sloping landform, but it is also influenced by extensive urban development to the south.* Again,

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this over-emphasises the urban qualities of the site. There is evidence of relatively uninhibited public access with walking routes around the site, as with most of the fields in the fringe and in the country parks, but this does not make the land anything other than pastoral. This urban influence is not an overriding characteristic.

Figure 6: View north towards and including the site from land on Pyne's Hill



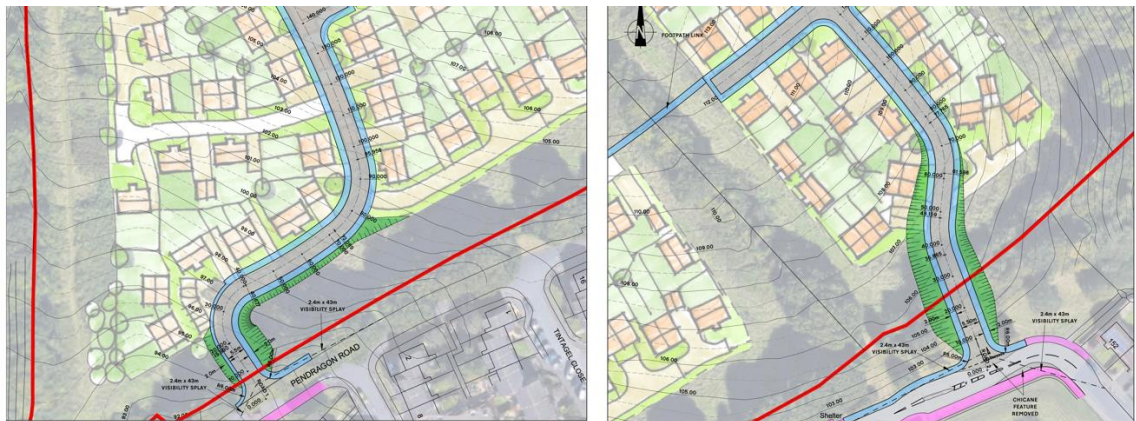
- 57 The LVA author states in the next section of paragraph 3.6.8 that: *The deep gully on the north-eastern boundary is completely different; it has a much more dramatic landform with its steep sides and narrow floor and its separation from the rest of the site is emphasised by the extensive tree cover.* This is readily observed.
- 58 The LVA author states in the paragraph (3.6.9): *To the north and east is extensive countryside and to the west is Mincinglake Park, but the strong tree belts completely separate the site from its wider, rural setting.* Having visited the site in both summer and late autumn I have observed that the tree belts to the east and west of the site are strong elements, however, they do not create the stated separation, the links are readily observed, especially when viewed from the distant views afforded from Pyne's Hill and land north of Ludwell Lane (**Figures 5 & 6**). From these long-range viewing positions, that represent very highly valued viewing positions and views, the fields of the site very clearly sit within the rural hinterland and are clearly not urban in character.
- 59 The hedges to the north and south include substantial trees and are both of equal strength when seen in full-leaf and mid-leaf fall conditions. The colour difference of the fields is due to the relatively low level of management and lack of grazing compared to fields farther to the north.

Figure 6a: View north towards and including the site from land on Pyne's Hill - extract



60 The LVA author states in paragraph 6.2.10 that: *In terms of the site's location within the County Landscape Character Type (LCT) 3A: Upper Farmed and Wooded Valley Slopes, the proposals would not adversely affect the deciduous woods and copses, or the wide, species-rich hedges with many hedgerow trees, which would be retained and managed. A small section of hedgerow would be lost to allow for the site access off Pendragon Road, but the loss would be more than compensated for by new planting within the development.*

Figure 7: Extracts from Proposed Access Drawings



61 Having reviewed the access arrangements, it is very evident that substantial earthworks and regrading are required to access the site from the two points on Pendragon Road, that extend for 70m and 80m for each entrance respectively. The level change to be overcome is between 3-4m at the entrances. The

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drawings show a highly engineered solution that does not show much regard for placemaking. As access is not a reserved matter it is for determination at this stage. The access arrangements as shown are not compatible with the illustrative layout shown for the eastern side of the site as presented in the application. The spaces created would be akin to holloways and would invariably need to be lit for highway and pedestrian safety. In this regard the proposed development would appear somewhat incongruous in the rural hinterland, being a piecemeal development that would not relate strongly to the existing urban area.

62 The access arrangements shown clearly demonstrate the scale of the barriers between the site and the existing development on Pendragon Road. There would be no enhancement of the spaces on and around Pendragon Road, and there would need to be highway works to the corner in the east, and there are no supporting plans or illustrations showing how the development would interface with Pendragon Road. At the eastern end of the site the gap between the two developments would be 50m wide. The gap would be a narrower width to the west, but there would be hard engineering interfaces between the two. It feels unresolved in landscape, urban design and placemaking terms.

63 A number of mature trees would need to be removed, this would open up the view between the two development, the proposed and existing, creating an appreciable impact on a currently intact valued boundary.

Landscape-related planning designations

64 The LVA does not make any reference to the Core Strategy or CP16 in the early parts of the report, relying only on the Local Plan and LS1 (LVA paras 3.5.6-12), and notably makes no reference to the Exeter Fringes Study 2007.

65 The only reference to CP16 is in LVA at para 6.2.5 and here only one part of the policy is considered: *...landscape, recreation, biodiversity and educational enhancement...*

66 However, as is set out below, the development of the site cannot accord with CP16 when taken as a whole. The policy wording states (with my emphasis): *The character and local distinctiveness of the areas identified below, will be protected and proposals for landscape, recreation, biodiversity and educational enhancement brought forward, in accordance with guidance in the Green Infrastructure Strategy, through the Development Management DPD:*

- *the hills to the north and north west;*
- *Knowle Hill to the south west;*
- *the strategic gap between Topsham and Exeter;*
- *and the Valley Parks: Riverside, Duryard, Mincinglake, Ludwell, Alphington to Whitestone Cross, Savoy Hill and Hoopern.*

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67 In this regard the proposals would be contrary to the core Strategy Policy CP 16 which includes protection of the character and local distinctiveness of the hills to the north and west of Exeter.

68 The Exeter Fringes Landscape Sensitivity and Capacity Study is key to the understanding of the Council's objectives for the development of Exeter. This key document identified the site (lying within Zone 3) as having a high landscape sensitivity and a low to capacity for housing use, with further detail in the text going on to state that there is no capacity for housing.

69 The applicants have provided no commentary of context, despite the submission of an LVA, and no meaningful appraisal or assessment of the site and the proposals in the form of a recognisable Landscape and Visual Impact Appraisal. Therefore, there is still no landscape, visual or placemaking justification provided for the proposed development.

Views towards the site

70 A ZTV is included that has buffers set at 15m for trees and 9m for buildings. This ZTV does not include for the tree removal that is inevitable to facilitate the highway access (**Figure 7**). A full bare ground ZTV has not been included, and this omission has led to the under-representation of views being explored in the visual analysis.

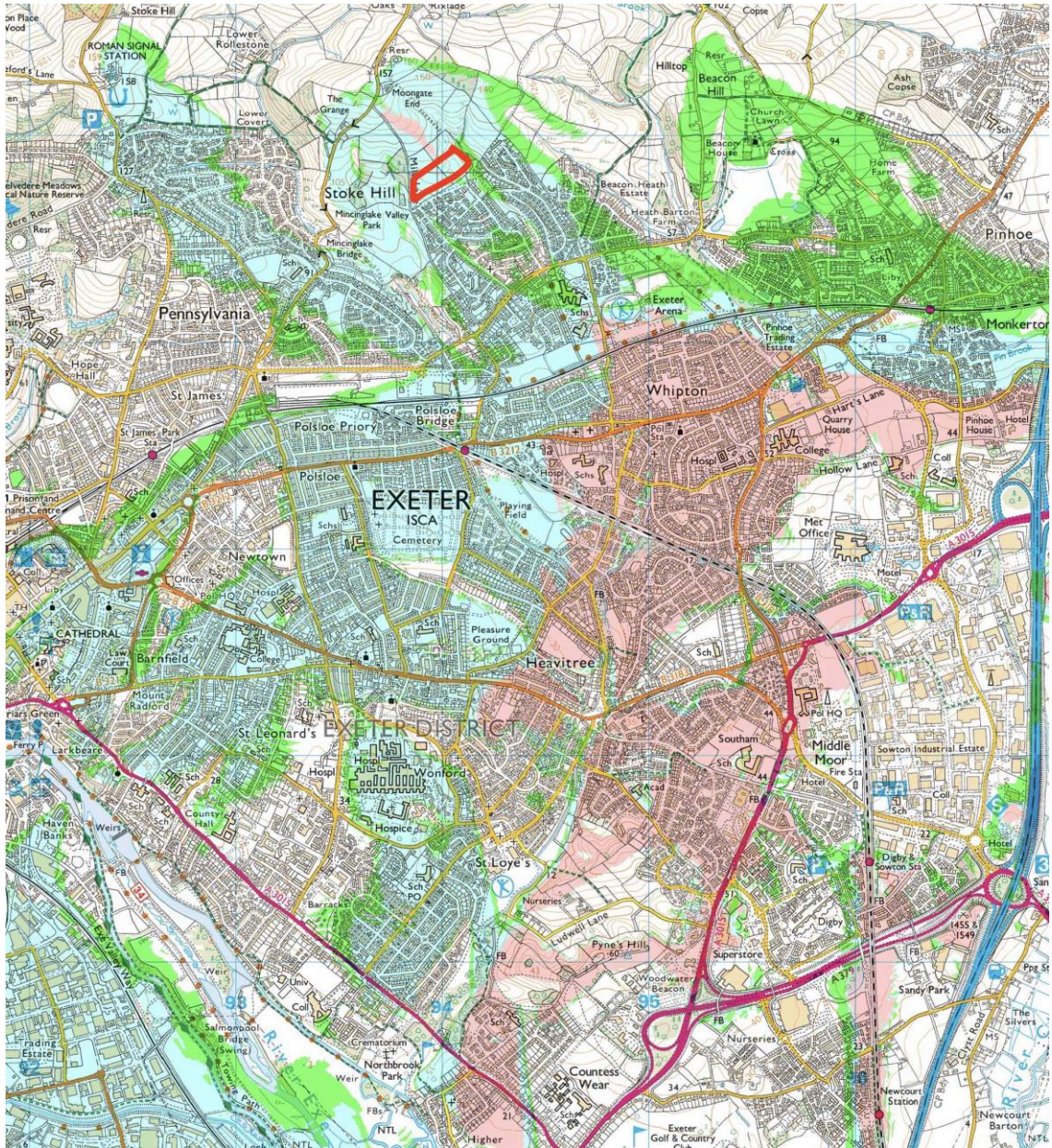
71 A bare-ground ZTV with no buffers has been produced (**Figure 9**) The contrast is marked between this and the bare-ground ZTV with buffers included in the LVA and extracted at **Figure 8**.

Figure 8: Bare-ground ZTV with 9m building and 15m tree buffers



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LVA Review, Landscape Siting Considerations and Landscape Policy Review

Figure 9: Bare-ground ZTV



- 72 The five viewpoints include with the LVA are all in close proximity to the site. No longer-range views have been either included or assessed, including views showing the site forming part of the setting of the city. The location of these photograph viewpoints is shown on LVA Figure L5: Viewpoint Location Plan. The visual analysis is based on these viewpoints only and does not include any narrative on what the likely views would be like in bare-leaf conditions.
- 73 LVA para 2.4.6 records that the furthest viewpoint used is from Mincinglake Valley Park, approximately 180m from the site boundary.
- 74 By not analysing more distant viewpoints, or the relationship of the site to the broader landscape a serious underplaying of effects has been recorded in the LVA.

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Changes to landscape features, landscape character and views arising as a result of the development proposals.

- 75 The landscape and visual appraisal is scant, barely recording the Changes to landscape features, landscape character and views arising as a result of the development proposals.
- 76 LVA para 7.1.3 records that: *There would be an adverse effect on the Landscape Setting of Exeter, but that would be minimal as the site comprises a very small part of the extensive Landscape Setting area. It is enclosed by substantial tree belts, visually and physically separating it from the wider landscape. It is adjacent to existing development to the south, and where there are views from the site they tend to be towards the south and over the large urban area of Exeter. The continuity of the Landscape Setting would not be compromised from any areas currently accessible to the public.* This is a very broad-brush statement that seeks to underplay the role of the site in the setting by suggesting that it is a small percentage of the overall area forming the setting. This approach is flawed and not consistent with the approach always taken by the Council in their strategic approach to protecting the landscape setting of the city.
- 77 LVA para 7.1.4 states that: *Views of the development would be limited to a few local views (under 0.5km), mainly close to the site, owing to the framework of substantial mature tree cover, the landform and avoiding development on the higher part of the fields.* This is very obviously incorrect. **Figures 5 & 6** included above shows how the site forms part of the backdrop to the city from distant locations within the city that are highly valued and regularly walked and visited by many people.

Landscape Siting Considerations / Review

- 78 No recognised methodology has been employed in the LVA, with the applicant's visual sensitivity analysis not defining the susceptibility of the site or sensitivity to change. This is a fundamental flaw, and as such the LVA does not meet the basic requirements set out by the Landscape Institute in GLVIA3.
- 79 The Exeter Fringes study clearly identifies the site as being in an area of high sensitivity, and in an area where the balance between localised impact would spill over into harmful impact on the objectives of maintaining the setting of the city. There is no review of this document, its findings or any analysis or arguments tended to counter this high sensitivity value, and the stated conclusions of the Fringes study that there is no capacity for housing in the zone and on this site.

Access

- 80 Access is the only element defined. This is an inherently difficult site to access, with the lower side of the site lying above Pendragon Road with an appreciable level change as shown in the photograph at **Figure 10**. The photograph shows the eastern access point to the left of the image. Celia Crescent is seen to the right of the photograph at **Figure 10**.

Figure 10: View along Pendragon Road.



- 81 The setting of the access road currently forms a strong urban rural interface, with the sloping land having a managed south-face and the rural character lies beyond the tree line. This forms a small area of public open space adjacent to Pendragon Road, opposite the more formal public space and play area.
- 82 The loss of the landscape value of the trees along Pendragon Road to be removed to allow access into the site cannot be mitigated through tree planting as part of the overall reserved matters scheme as suggested by the applicant. For completeness, these are recorded on the tree survey plan as:
- Trees T3, T4, T5 (Highway Verge),
 - Group TG6 (part removed to facilitate access from Pendragon Road), and
 - Group TG7 (part removed to facilitate access from Pendragon Road)).
- 83 The loss of these trees would have a substantial impact on views of and along the existing strong, very clearly defined, urban edge. These trees are healthy and would not have to be removed in the absence of the application.
- 84 The tree survey describes these trees, particularly those in group TG7 as being high value features of landscape and ecological value and key trees / feature.
- 85 Root protection zones are not shown on any of the submitted documents to show if the proposed access arrangements would impact on any other individual trees or tree groups. As access is defined this is a notable omission.

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86 The site would be far more visible than identified in the LVA from all of the viewpoints in winter, and the LVA fails to fully acknowledge the degree to which the site would be opened up through the development proposals, including the two access points. For ease of reference the engineer's drawings are included at **Figure 7**.

87 The photographs included clearly show how the setting to the city would change in views from this land through the development of Fields 1 and 2.

**Landscape and Visual Policy Review
Landscape Siting Considerations**

88 The LCA covering the site and the landscape on the northern fringes of Exeter is identified as **Exeter Slopes and Hills** which is broadly described as an elevated area above the surrounding urban areas, offering views across Exeter city and the Exe Estuary. The distinctive views, strong topography, notable woodland and proximity to Exeter contribute to a strong sense of place. Despite the proximity to Exeter this landscape has a strong rural character. In terms of special qualities and features, the LCA identifies that the area is of high value for recreation in close proximity to the city.

89 In response to this, whilst noted that there are no formal footpaths crossing through or adjacent to the site, the perimeter of the two site fields and the surrounding fields are currently used for informal recreation.

90 Potential new built development, including residential expansion on the edge of Exeter, which could be highly visible within this elevated landscape and require further infrastructure, is identified as a potential force for change in the LCA.

91 The site is contained within the wider city area boundary, within the setting of the city, but it is located outside of, albeit adjacent to, the urban boundary identified on the Local Plan Proposals Maps.

92 The site occupies an elevated position on the slopes which are covered by Policy Area LS1 and Policy CP16 that identifies land contributing to the Landscape Setting of Exeter and seeks to protect the setting of the city.

93 There is an overarching landscape and policy objective to protect important views to and from the hills surrounding the city of Exeter.

94 There is a policy objective to protect the landscape's rural character in close proximity to urban areas by resisting piecemeal urban expansion and recreational developments which undermine landscape patterns and sense of place. This is one of the starting points when reviewing this development in relation to the landscape, views and policy objectives.

95 The site is currently used as pasture, with permitted/relatively unhindered access gifted by the landowner to the local community across both field parcels (See **Figure 1**).

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- 96 The two-field development area of the site currently occupies the lower edge of the undeveloped upper slopes where the landscape setting meets the residential development on the low-mid slopes. These upper slopes have a well- wooded appearance that the sites field boundaries currently contribute to.
- 97 There are currently tall and well-established hedges with trees defining all boundaries that should be protected and retained due to their positive contribution to the character of the landscape setting of Exeter. To develop the site some hedgerow tree / hedgebank loss is inevitable. The Illustrative Masterplan shows how the site can be developed with minimal internal hedge loss.
- 98 The policy objectives include to plan to ensure the sensitive location of new development and particularly new urban extensions of Exeter, avoiding prominent open ridges and slopes (extracted from Devon landscape character assessment for the Exeter Slopes and Hills area, under the heading Guidelines: Plan).
- 99 The site occupies an elevated location towards the higher slopes on the northern edge of Exeter but does not sit on the ridgeline. While it is currently open it sits within and is only partially obscured by the hedges and trees that define the sites boundaries and contribute to the wooded appearance of the slopes that form the setting of Exeter. It is a visible site from a number of important locations, including near and far viewpoint points, including locations such as, but not limited to, the public right of way between St Loye's and Ludwell Lane and the high point at the bench on Pyne's Hill (**Figures 5 & 6**). From both of these locations the contribution the site makes to the setting of the city is clearly seen as part of the open, intact, Stoke Hill to Beacon Hill ridge.
- 100 A further consideration is how the site would be perceived from within the undeveloped fringe. For example, there are unhindered views of the site from the field to the east proposed as public open space under 20/0538/OUT – 'Spruce Close'. **Figure 11 View from proposed public open space under 20/0538/OUT –'Spruce Close' of the Pendragon site 21/0020/OUT**. Whilst currently private, the public have unhindered informal access and the developer has offered it up as public open space as part of the 20/0538/OUT application. This scheme was recommended for approval by officers, refused at committee and an appeal has been registered.

Figure 11: View from proposed public open space under 20/0538/OUT –‘Spruce Close’ of the Pendragon site 21/0020/OUT



**Planning Application No. 21/0020/OUT - Land Off Pendragon Road, Exeter
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Conclusions

- 101 Drawing conclusions from having reviewed the application documents, the submitted LVA and the policy background the conclusion of the Exeter fringes Study (2007) stands, there is no capacity of housing on the site and the application documents provide no justification for the alteration of this view.
- 102 The site is contained within the wider city area outside of, but adjacent to, the urban boundary identified on the Local Plan proposals maps. It occupies an elevated position towards the higher slopes abutting the northern edge of the suburban residential area that currently forms the northern extent of the city and is covered by Policy Area LS1 that identifies land contributing to the Landscape Setting of Exeter.
- 103 The Local Plan First Review discusses landscape in relation to design proposals. It states that landscape design is a principal consideration of development, the starting point of which is the quality and character of the existing landforms (hills, valleys and slopes), vegetation and other natural features.
- 104 It is easy to observe that Exeter's hilly terrain strongly influences its townscape and that views and glimpses almost at every turn change with the topography. Green spaces do penetrate built up areas, however, there is a ubiquitous character to the housing on the edges of the site around Pendragon Road that runs across the hills towards Celia Crescent, Spruce Close, Juniper Close and Pinewood Meadow Drive.
- 105 The spaces around Pendragon Road are different from those adjoining Celia Crescent and Spruce Close in that there is a very definite rural: urban interface, over a steep slope where the urban side is very definitely related to the adjoining residential spaces and the hedgebank tree line rural. It is a strong, defensible space. To breach this boundary would be to bring about unnecessary intrusion into the rural hinterland, into the setting of the city, and would constitute piecemeal development that cannot be demonstrated to relate well to the existing development on Pendragon Road and has not been demonstrated to bring any benefits in terms of landscape or urban character, views or placemaking.
- 106 The new road access points, if consented, would run through this area and would also impact on the open space on the southern side of the road route.
- 107 When travelling through the city the surrounding green hills are clearly visible from the centre and there is significant tree cover in the older residential areas as well as on the fringes. The supporting text to **DG1** goes on to explain that development proposals should work with the existing contours rather than relying on extensive cut and fill and that landscape works should aim to enhance the setting of both the proposed development and the surrounding area. The access routes illustrated at **Figure 7** show clearly that the development proposals would have to cut through the contours and landform and not work with the landform. This is a very important consideration at the outline application stage. The site would require considerable engineering and hard landscape works and would impact on the conservation of important existing natural features to the detriment of the character and appearance of the area and local distinctiveness. These are impacts that should not be accepted at the outline stage.

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- 108 In relation to the Objectives of Urban Design, Saved Policy DG1 states: Development should:
- a) be compatible with the urban structure of the city, connecting effectively with existing routes and spaces and putting people before traffic;*
 - b) ensure that the pattern of street blocks, plots and their buildings (the grain of development) promotes the urban character of Exeter;*
 - c) fully integrate landscape design into the proposal and ensure that schemes are integrated into the existing landscape of the city including its three-dimensional shape, natural features and ecology;*
 - d) be at a density which promotes Exeter's urban character and which supports urban services;*
 - e) contribute to the provision of compatible mix of uses which work together to create vital and viable places;*
 - f) be of a height which is appropriate to the surrounding townscape and ensure that the height of constituent part of buildings relate well to adjoining buildings, spaces and to human scale;*
 - g) ensure that the volume and shape (that massing) of structure relates well to the character and appearance of the adjoining buildings and the surrounding townscape;*
 - h) ensure that all designs promote local distinctiveness and contribute positively to the visual richness and amenity of the townscape;*
 - i) use materials which relate well to the palette of materials in the locality and which reinforce local distinctiveness.*
- 109 In this regard, should the site be consented for outline planning, the access routes as shown would fail to deliver the objectives of policy DG1, particularly sub-sections a, b, c, f and h.
- 110 Therefore, having reviewed the LVA and policy objectives of the City Council, the development as proposed would, for the reasons set out here, not accord with the objectives of Policy LS1 of the Exeter Local Plan First Review, Policy CP16 of the Exeter Core Strategy or policy DG1 parts a, b, c f and h.
- 111 The development would result in harm to the character and local distinctiveness of this rural area, and the addition of the development in the landscape would contribute to the loss of public enjoyment and appreciation of the intact urban fringe as it runs between Stoke Hill and Beacon Hill. This would be highly detrimental, detracting from the rural green hillside setting.
- 112 The creation of vehicular access on the south-western and south-eastern sides of the site onto Pendragon Road would create unacceptable adverse impacts.
- 113 Clearly there is a stated intention in Policy CP16 that the hills forming the setting of the city are to be protected. This is unequivocal. In addition, the Core Strategy Key Diagram clearly shows the combination of the landscape setting and valley parks as being fundamental elements in maintaining the objectives set out in para 4.11 of the Core Strategy: *The aim is to enable the city to grow without damaging*

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those environmental assets that, to a large extent, generate the opportunities and pressures for growth. Accordingly, proposals for development are identified, based on giving priority to sustainable locations, by: (4th bullet point) steering development away from the hills to the north and north west that are strategically important to the landscape setting and character of the city.

114 All of the planning policies, development plan evidence base documents, the landscape character assessments and planning application advice has been consistent in showing graphically and documenting this strategy. In addition, careful detailed site analysis has shown that the fields that form this application so well related to the rural fringe that they cannot be developed without unacceptably impacting on the policy objectives of the Core Strategy.

115 Taking this back to the national level, the NPPF (2021) states, in relation to achieving well-designed spaces, at paragraph 130 that: *Planning policies and decisions should ensure that developments:*

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

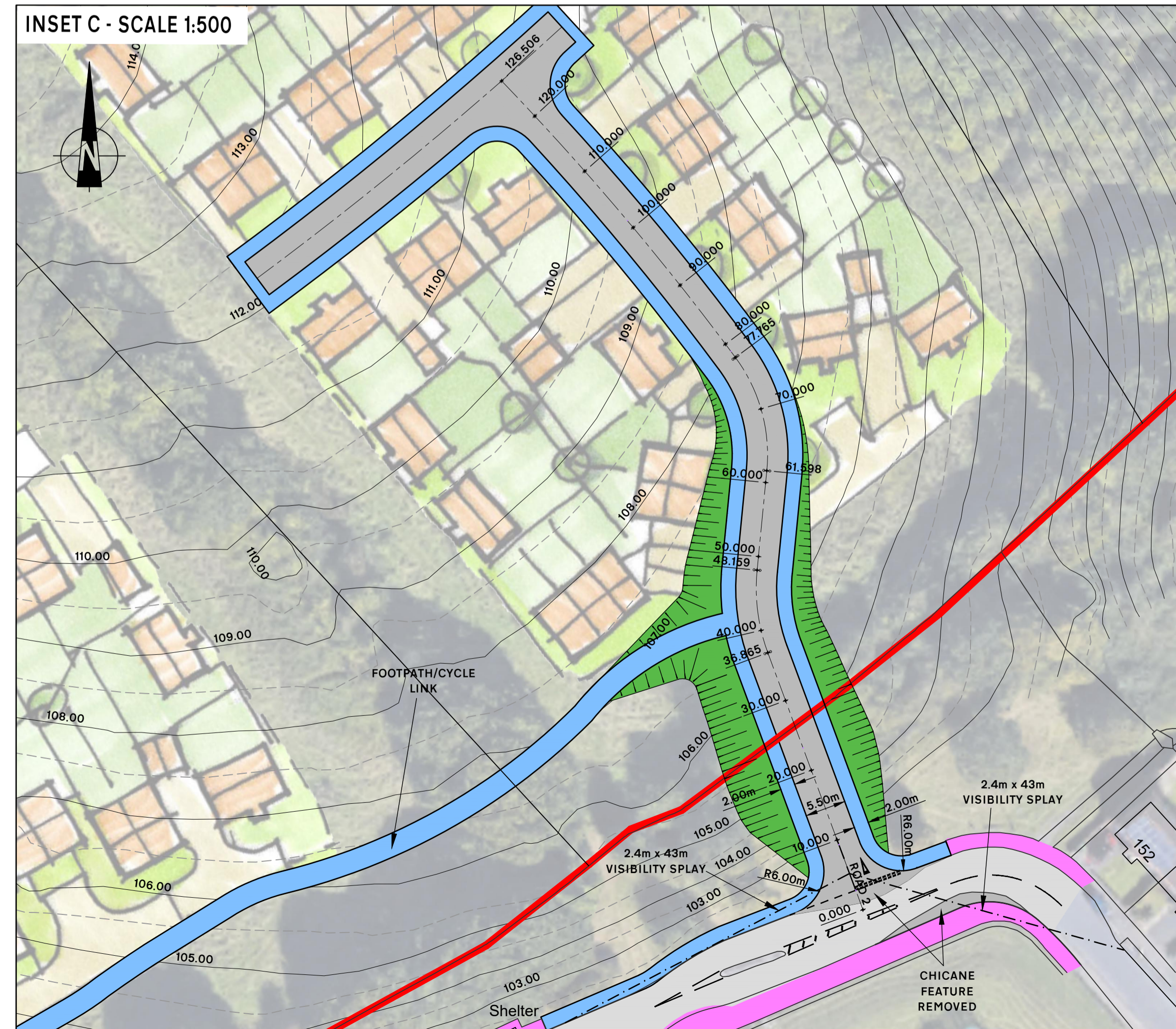
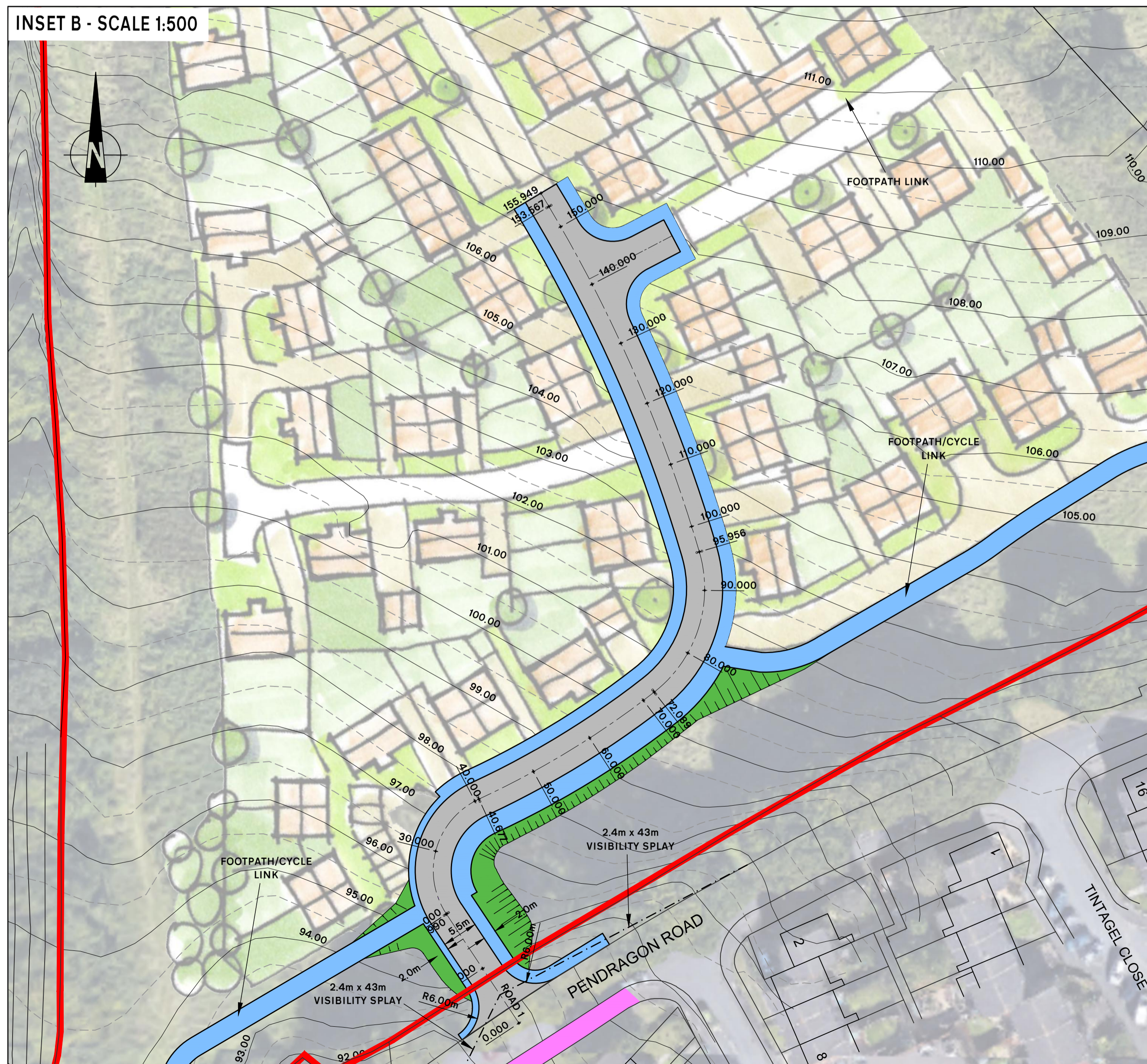
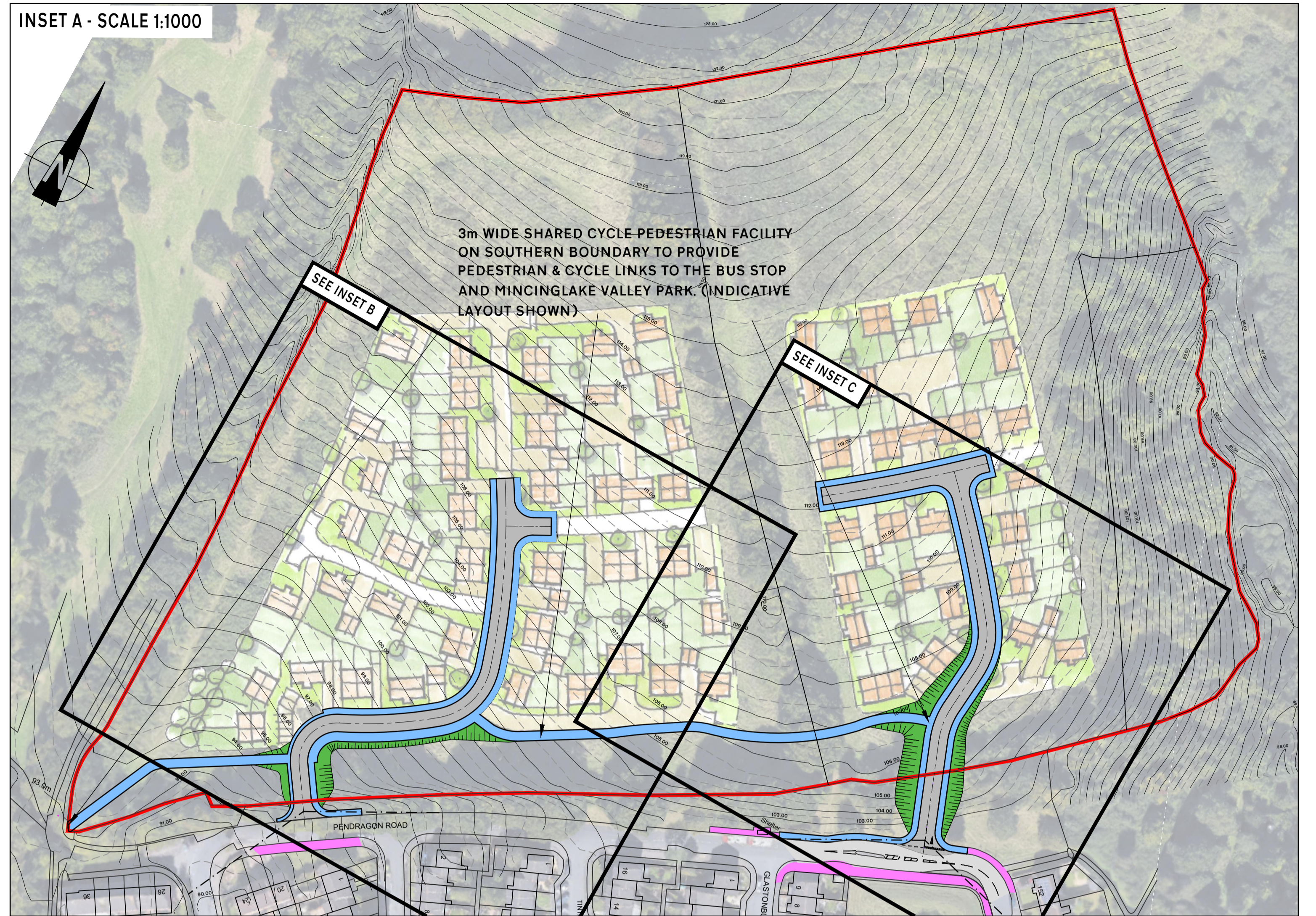
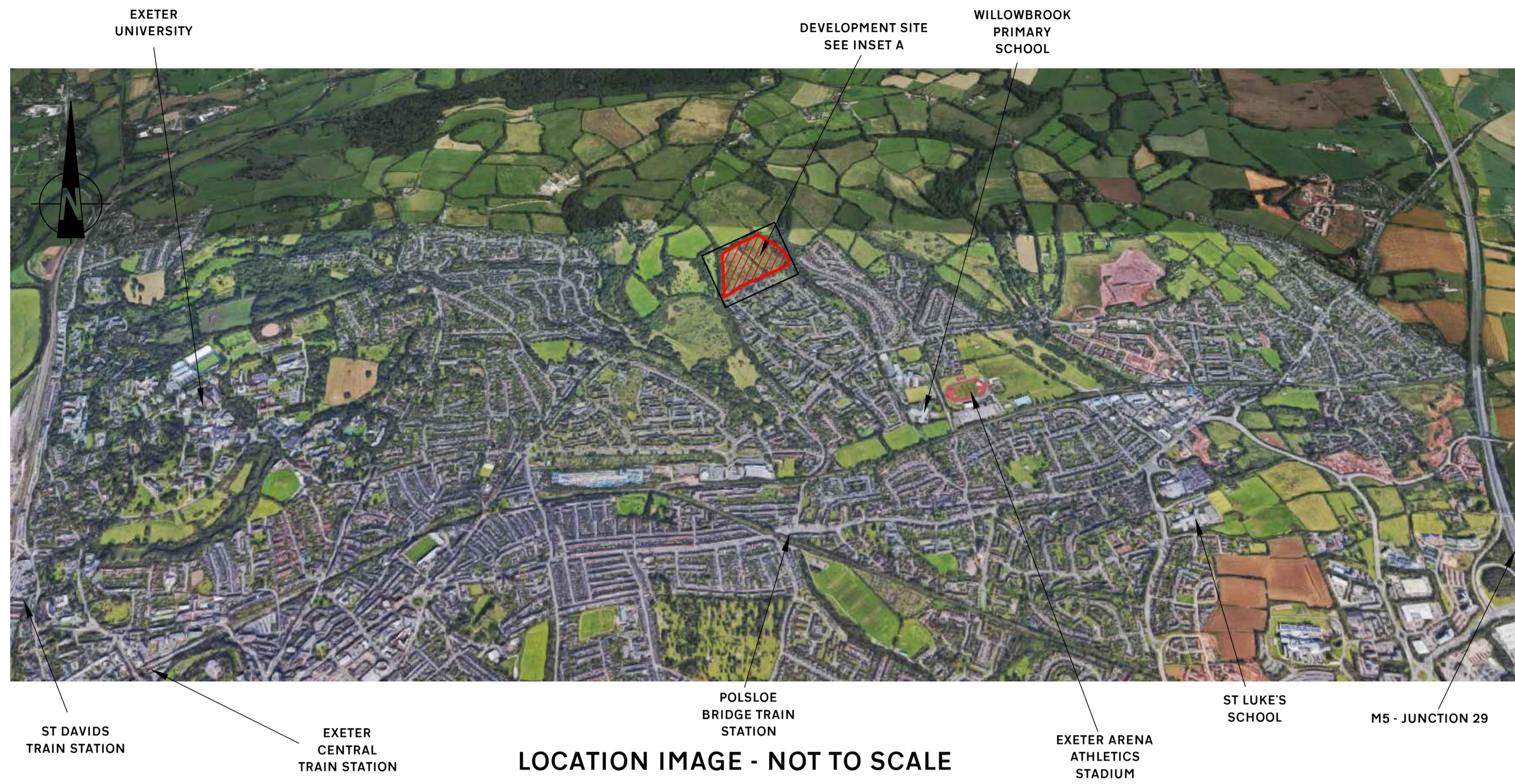
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

116 The effects of the proposed development have been assessed by the LVA reviewer and through a review and found to be underplayed in the LVA, having a substantial impact on the valued landscape characteristics and impacts on views from within the landscape and of the setting of the city. The development would not accord with NPPF paragraph 130 sub-sections a, b (access) and c.

117 In addition, the proposals as presented conflict with NPPF Paragraph 174.

Anne Priscott (CMLI) January 2022

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NOTES & KEY

- PROPOSED BITUMINOUS HIGHWAY
- PROPOSED FOOTWAY
- EXISTING FOOTWAY
- DEVELOPMENT BOUNDARY

02/02/22	B	BH	BH	INDICATIVE ROUTE OF PEDESTRIAN CYCLE LINK ADDED TO SOUTHERN BOUNDARY TO CONNECT DEVELOPMENTS AND MINCINGLAKE VALLEY PARK
18/11/20	A	BH	BH	ISSUED FOR APPROVAL
Date	Rev	By	Ck'd	Amendment details

Drawing Status: **For Approval**

Client: **LAND PROMOTION GROUP LTD**

Job Title: **PENDRAGON ROAD, EXETER, DEVON**

Drawing Title: **HIGHWAY ACCESS**

Highways & Access Ltd
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Scale	AS SHOWN	Drawing Number	20.106/001	Revision	B
Drawn	BH				
Date	NOV 20				
Checked	BH				

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REPORT TO: PLANNING COMMITTEE

Date of Meeting: 28 March 2022

Report of: City Development Strategic Lead

Title: Delegated Decisions and Planning Report Acronyms

1 WHAT IS THE REPORT ABOUT

- 1.1 This report lists planning applications determined and applications that have been withdrawn between the date of finalising the agenda of the last Planning Committee and the date of finalising this agenda. Applications are listed by Ward.

2 RECOMMENDATION

- 2.1 Members are requested to advise the Assistant Service Lead City Development (Roger Clotworthy) or the Deputy Chief Executive (Bindu Arjoon) of any questions on the schedule prior to Planning Committee meeting.
- 2.2 Members are asked to note the report.

3 PLANNING APPLICATION CODES

- 3.1 The latter part of the application reference number indicates the type of application:

OUT Outline Planning Permission
RES Approval of Reserved Matters
FUL Full Planning Permission
TPO Works to Tree(s) with Preservation Order
ADV Advertisement Consent
CAT Works to Tree(s) in Conservation Area
LBC Listed Building Consent
ECC Exeter City Council Regulation 3
LED Lawfulness of Existing Use/Development
LPD Certificate of Proposed Use/Development
TEL Telecommunication Apparatus Determination
CMA County Matter Application
CTY Devon County Council Application
MDO Modification and Discharge of Planning Obligation Regulations
NMA Non Material Amendment
EXT Extension to Extant Planning Consent
PD Extension - Prior Approval
PDJ Office to Dwelling - Prior Approval

- 3.2 The decision type uses the following codes:

DREF Deemed Refusal
DTD Declined To Determine
NLU Was Not Lawful Use
PAN Prior Approval Not Required
PAR Prior Approval Required
PER Permitted
REF Refuse Planning Permission
RNO Raise No Objection
ROB Raise Objections
SPL Split Decision
WDN Withdrawn by Applicant
WLU Was Lawful Use
WTD Withdrawn - Appeal against non-determination

4 PLANNING REPORT ACRONYMS

The following list explains the acronyms used in Officers reports:

AH Affordable Housing

AIP	Approval in Principle
BCIS	Building Cost Information Service
CEMP	Construction Environmental Management Plan
CIL	Community Infrastructure Levy
DCC	Devon County Council
DCLG	Department for Communities and Local Government: the former name of the Ministry of Housing, Communities & Local Government
DfE	Department for Education
DfT	Department for Transport
dph	Dwellings per hectare
ECC	Exeter City Council
EIA	Environment Impact Assessment
EPS	European Protected Species
ESFA	Education and Skills Funding Agency
ha	Hectares
HMPE	Highway Maintainable at Public Expense
ICNIRP	International Commission on Non-Ionizing Radiation Protection
MHCLG	Ministry of Housing, Communities & Local Government
NPPF	National Planning Policy Framework
QBAR	The mean annual flood: the value of the average annual flood event recorded in a river
SAM	Scheduled Ancient Monument
SANGS	Suitable Alternative Natural Green Space
SEDEMS	South East Devon European Sites Mitigation Strategy
SPA	Special Protection Area
SPD	Supplementary Planning Document
SPR	Standard Percentage Runoff
TA	Transport Assessment
TEMPro	Trip End Model Presentation Program
TPO	Tree Preservation Order
TRO	Traffic Regulation Order
UE	Urban Extension

Bindu Arjoon

Deputy Chief Executive

Delegated Decision	
Application Number: 22/0157/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 15/03/2022
Location Address: 84 Ebrington Road Exeter Devon EX2 8JR	
Proposal: Pollard - Lower branches circ. 100mm in diameter will be retained and pruned by 1.5-2m to shape.	
Delegated Decision	
Application Number: 22/0177/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 15/03/2022
Location Address: Westover Little Johns Cross Hill Exeter Devon EX2 9PJ	
Proposal: Large copper Beech tree in our front garden and it has not been topped or pruned back in many years and is now affecting the light and growth of other plants in the area We wish to prune/top it back to a sensible growth level that will allow us to manage it better in future years	
Delegated Decision	
Application Number: 22/0222/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 15/03/2022
Location Address: Sainsburys Alphington Cross Store Alphington Road Exeter Devon EX2 8HH	
Proposal: Trees Blocking Lights and Sign. Cut back the branches on the Holme tree and to fell the self set tree to ground level . Self set Ash tree . The team will cut back the trees to allow the sign to be seen clearly from the road.	
Delegated Decision	
Application Number: 22/0249/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 15/03/2022
Location Address: 49 Ide Lane Alphington Exeter Devon EX2 8UT	
Proposal: Lop an overgrown bay coppice at the bottom of garden. It is now of a height that it's blocking sunlight reaching our neighbour's house and garden. Two independent tree surgeons have surveyed the area and advised on a suitable height to cut back to (somewhere between 5 and 6m). These are confirmed pollard points.	
Delegated Decision	
Application Number: 22/0296/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 15/03/2022
Location Address: 19 Taunton Close Exeter Devon EX2 9EB	
Proposal: Certificate of lawfulness sought for proposed loft conversion and rear dormer roof extension.	

Delegated Decision	
Application Number:	22/0013/LBC
Decision Type:	Permitted
Location Address:	Flat C 12 Pennsylvania Road Exeter Devon EX4 6BH
Proposal:	Minor internal and external works including replacement windows and doors.
Delegation Briefing:	13/01/2022
Date:	11/02/2022
Delegated Decision	
Application Number:	22/0026/FUL
Decision Type:	Permitted
Location Address:	Edgehill Pennsylvania Road Exeter Devon EX4 5BH
Proposal:	Demolish summer house and replace with timber decked area part covered with pergola.
Delegation Briefing:	20/01/2022
Date:	22/02/2022
Delegated Decision	
Application Number:	22/0045/LED
Decision Type:	Was not lawful use
Location Address:	13 Devonshire Place Exeter Devon EX4 6JA
Proposal:	Change of use from House in Multiple Occupation for 6 residents, to House in Multiple Occupation for 7 residents.
Delegation Briefing:	
Date:	11/03/2022
Delegated Decision	
Application Number:	22/0106/FUL
Decision Type:	Permitted
Location Address:	44 Prospect Park Exeter Devon EX4 6NA
Proposal:	Single storey rear infill extension and detached garage outbuilding.
Delegation Briefing:	10/02/2022
Date:	14/03/2022
Delegated Decision	
Application Number:	22/0117/FUL
Decision Type:	Permitted
Location Address:	6 Patricia Close Exeter Devon EX4 4RT
Proposal:	Two storey side extension.
Delegation Briefing:	03/02/2022
Date:	08/03/2022
Delegated Decision	
Application Number:	22/0138/NMA
Decision Type:	Permitted
Location Address:	The Oaks Lower Argyll Road Exeter Devon EX4 4QZ
Proposal:	Non material amendment to planning permission 21/1001/FUL to alter the standing seam zinc cladding colour from VM Zinc Pigmento Green to VM Zinc Quartz.
Delegation Briefing:	
Date:	14/03/2022

Delegated Decision	
Application Number: 22/0181/LED	Delegation Briefing:
Decision Type: Was lawful use	Date: 18/02/2022
Location Address: 6A Oxford Road Exeter Devon EX4 6QU	
Proposal: Certificate of lawfulness of existing use for a House in Multiple Occupation (C4 Use Class) for three residents.	
Delegated Decision	
Application Number: 22/0334/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 16/03/2022
Location Address: Streatham Court Rennes Drive Exeter Devon EX4 4PU	
Proposal: To relocate the previously approved external condenser unit (non material amendment to 19/1616/FUL)	
Exwick	
Delegated Decision	
Application Number: 22/0070/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 09/03/2022
Location Address: 16 Lynwood Avenue Exeter Devon EX4 1EF	
Proposal: Loft conversion including a hip-to-gable roof extension and rear roof dormer.	
Delegated Decision	
Application Number: 22/0107/TPO	Delegation Briefing:
Decision Type: Refuse Planning Permission	Date: 22/02/2022
Location Address: 26 Hadrian Drive Exeter Devon EX4 1SR	
Proposal: T1 Oak of MWA Arboricultural Report - Works: Remove (fell) to near ground level and treat stump to inhibit regrowth.Reason: Clay shrinkage subsidence damage.	
Delegated Decision	
Application Number: 22/0110/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 17/02/2022
Location Address: Bell House Cleve Lane Exeter Devon EX4 2AR	
Proposal: T1 - 2 x Lombardy Poplar trees: Reduce by approximately 6 metres in height; to the previous pruning points. Cut size of up to 4 inch. Reasons - The 6 metres of re-growth on Lombardy Poplars likely to fail in adverse weather. They have been pruned a number of times over the years to these same growth points, so the work would not be out of keeping with previous management of the trees.T2 - Sycamore: Prune the lateral extension towards the house by 1metre - cut size of up to 2 inches.Reasons - to ensure that lateral growth does not extend near the building, and to help with better light conditions.	

Delegated Decision	
Application Number: 22/0015/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 15/02/2022
Location Address: 6 Saxon Road Exeter Devon EX1 2TD	
Proposal: Single storey rear extension measuring 2.5m wide, 5.2m long and 3m at highest point.	
Delegated Decision	
Application Number: 22/0033/FUL	Delegation Briefing: 27/01/2022
Decision Type: Permitted	Date: 11/03/2022
Location Address: 18 Whipton Lane Exeter Devon EX1 3DS	
Proposal: Single storey rear extension, connected to the rear wall of the side extension and modifications of windows.	
Delegated Decision	
Application Number: 22/0061/FUL	Delegation Briefing: 27/01/2022
Decision Type: Permitted	Date: 04/03/2022
Location Address: 15 Salutary Mount Fore Street Heavitree Exeter Devon EX1 2QE	
Proposal: Ancillary building to rear garden; Install gate to access public path.	
Mincinglake And Whipton	
Delegated Decision	
Application Number: 21/1045/FUL	Delegation Briefing:
Decision Type: Permitted	Date: 17/02/2022
Location Address: Dreamland Stables Church Hill Exeter Devon EX4 9JL	
Proposal: Conversion of a stable block into a dwelling.	
Delegated Decision	
Application Number: 21/1083/FUL	Delegation Briefing: 29/07/2021
Decision Type: Refuse Planning Permission	Date: 17/03/2022
Location Address: Cheynegate House Cheynegate Lane Exeter Devon EX4 9HZ	
Proposal: Change of use of land to dog park.	
Delegated Decision	
Application Number: 21/1524/FUL	Delegation Briefing: 11/11/2021
Decision Type: Permitted	Date: 10/02/2022
Location Address: 2 Brook Close Exeter Devon EX1 3JL	
Proposal: Two storey side extension with front porch and render to existing walls.	

Delegated Decision	
Application Number: 21/1669/FUL	Delegation Briefing: 11/11/2021
Decision Type: Permitted	Date: 17/02/2022
Location Address: 79 Lloyds Crescent Exeter Devon EX1 3JD	
Proposal: Single storey rear extension, and 2 storey side extension.	
Delegated Decision	
Application Number: 21/1768/FUL	Delegation Briefing: 10/02/2022
Decision Type: Permitted	Date: 14/03/2022
Location Address: 197 Pinhoe Road Exeter Devon EX4 8AB	
Proposal: Two storey side extension to existing semi-detached house.	
Delegated Decision	
Application Number: 21/1861/FUL	Delegation Briefing: 03/02/2022
Decision Type: Permitted	Date: 01/03/2022
Location Address: 63 Chancellors Way Exeter Devon EX4 9DP	
Proposal: Changes to garden topography with retaining wall, installation of rear fence and addition decking (Retrospective).	
Delegated Decision	
Application Number: 21/1896/FUL	Delegation Briefing: 23/12/2021
Decision Type: Permitted	Date: 02/03/2022
Location Address: 6 Staddon Close Exeter Devon EX4 8QY	
Proposal: Single storey rear extension.	
Delegated Decision	
Application Number: 22/0007/FUL	Delegation Briefing: 03/02/2022
Decision Type: Permitted	Date: 02/03/2022
Location Address: 3 Harts Lane Exeter Devon EX1 3PG	
Proposal: Single storey side, rear and roof extensions.	
Delegated Decision	
Application Number: 22/0104/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 17/02/2022
Location Address: Atkinson Secure Childrens Home Beacon Lane Exeter Devon EX4 8NA	
Proposal: T1 Oak reduce from neighbouring property by 1.5 to 2 metres to reduce nuisance to neighbouring property T2 Oak reduce from neighbouring property by 1.5 to 2 metres to reduce nuisance to neighbouring property T3 Oak reduce from neighbouring property by 1.5 to 2 metres to reduce nuisance to neighbouring property T4 Oak reduce from neighbouring property by 1.5 to 2 metres to reduce nuisance to neighbouring property	

Delegated Decision			
Application Number:	21/1853/FUL	Delegation Briefing:	17/02/2022
Decision Type:	Permitted	Date:	17/03/2022
Location Address:	37 Clifton Road Exeter Devon EX1 2BN		
Proposal:	Installation of 3 roof lights to rear in association with revised internal layout.		
Delegated Decision			
Application Number:	21/1900/FUL	Delegation Briefing:	06/01/2022
Decision Type:	Permitted	Date:	02/03/2022
Location Address:	Hollybush House 11 Belmont Road Exeter Devon EX1 2HF		
Proposal:	Internal alterations to the ground and second floor.		
Delegated Decision			
Application Number:	21/1901/LBC	Delegation Briefing:	06/01/2022
Decision Type:	Permitted	Date:	02/03/2022
Location Address:	Hollybush House 11 Belmont Road Exeter Devon EX1 2HF		
Proposal:	Internal alterations to the ground and second floor.		
Delegated Decision			
Application Number:	21/1925/FUL	Delegation Briefing:	06/01/2022
Decision Type:	Permitted	Date:	02/03/2022
Location Address:	St Lukes House Baring Crescent Exeter Devon EX1 1TL		
Proposal:	New detached garage and new entrance porch.		
Delegated Decision			
Application Number:	22/0036/LBC	Delegation Briefing:	10/02/2022
Decision Type:	Permitted	Date:	07/03/2022
Location Address:	59 Marlborough Road Exeter Devon EX2 4LN		
Proposal:	Minor alterations to roof.		
Delegated Decision			
Application Number:	22/0048/FUL	Delegation Briefing:	10/02/2022
Decision Type:	Refuse Planning Permission	Date:	15/03/2022
Location Address:	21 East Grove Road Exeter Devon EX2 4LX		
Proposal:	Single storey side return and rear dormer roof extensions.		
Delegated Decision			
Application Number:	22/0095/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	15/02/2022
Location Address:	19 Matford Avenue Exeter Devon EX2 4PL		
Proposal:	Installation of a 16 panel solar PV system to the front / south east facing roof pitch.		

Delegated Decision	
Application Number: 22/0108/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 17/02/2022
Location Address: 8 Clifton Hill Exeter Devon EX1 2DL	
Proposal: T1 - Pittosporum - Remove the included foremost stem over the garden; arising near the base, leaning towards the lawn area, cut size of approx 10 inches. T2 - Golden Lawson cypress: Fell	
Delegated Decision	
Application Number: 22/0114/FUL	Delegation Briefing: 10/02/2022
Decision Type: Permitted	Date: 15/03/2022
Location Address: 43 Barnardo Road Exeter Devon EX2 4ND	
Proposal: Single storey side extension.	
Delegated Decision	
Application Number: 22/0149/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 17/02/2022
Location Address: 12 Spicer Road Exeter Devon EX1 1SY	
Proposal: T1 Laurel Fell. Small Laurel about 15 ft high / dbh 30cm. This Laurel has had permission to fell in the past but owner had been advised to do in 1/3rds so not not to cause issue with roots. 2/3rds of the tree has been done within last permission and the owner would now like to fell the final 1/3rd of remaining tree.	
Delegated Decision	
Application Number: 22/0172/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 03/03/2022
Location Address: St Sidwells Point Leisure Centre Paris Street Exeter Devon EX1 2JX	
Proposal: Back illuminated signage attached to the building facade.	
Delegated Decision	
Application Number: 22/0198/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 22/02/2022
Location Address: 29 Clifton Hill Exeter Devon EX1 2DJ	
Proposal: Crown raise T2 - Western Red Cedar and T1 - Yew.	
Delegated Decision	
Application Number: 22/0204/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 15/03/2022
Location Address: Maynard School For Girls Denmark Road Exeter Devon EX1 1SJ	
Proposal: T16,17,18,20,22 Lombardy Poplar. Pollard at 3m.	

Delegated Decision	
Application Number: 22/0208/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 15/03/2022
Location Address: St Leonards Church Of England Primary School St Leonards Road Exeter Devon EX2 4NQ	
Proposal: Works to various trees around the property.	
Delegated Decision	
Application Number: 22/0234/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 15/03/2022
Location Address: 15 Salem Place Exeter Devon EX4 6SL	
Proposal: Existing tree T1 comprises a mature Purple Leaved Plum (Prunus cerasifera 'Nigra') approx 500mm dbh growing in the rear garden of 15 Salem Place and close proximity to boundary wall with No. 16 Salem Place. Canopy currently reaches and locally overhangs adjacent gardens of No. 14 and 16 Salem Place. Various historic pruning wounds, deadwood (with fungal brackets) visible within spreading canopy. Recent large tear-out wound on south side from Storm Eunice. Proposed canopy reduction of approximately 20% and general re-balancing to reduce loading on remaining branch structure and reduce extent of canopy overhang with neighbouring garden areas. Pruning works to include cutting of branches not exceeding 50mm diameter. Generally cut back tear-outs and storm damage back to sound wood with a clean cut.	
Delegated Decision	
Application Number: 22/0289/LED	Delegation Briefing:
Decision Type: Was lawful use	Date: 16/03/2022
Location Address: 18A Herschell Road Exeter Devon EX4 6LX	
Proposal: Certificate of lawfulness of existing use for a House in Multiple Occupation (C4 Use Class) for three residents	
Pennsylvania	
Delegated Decision	
Application Number: 21/1928/FUL	Delegation Briefing: 06/01/2022
Decision Type: Permitted	Date: 02/03/2022
Location Address: 8 Abbey Road Exeter EX4 7BG	
Proposal: Single storey side and rear extension.	
Delegated Decision	
Application Number: 22/0041/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 15/02/2022
Location Address: 100 Stoke Valley Road Exeter Devon EX4 5ER	
Proposal: 2 storey rear extension.	

Delegated Decision	
Application Number: 21/1767/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 23/02/2022
Location Address: Horizon House Guardian Road Exeter Devon EX1 3PD	
Proposal: 2No. illuminated signs of company logo	
Delegated Decision	
Application Number: 21/1884/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 17/02/2022
Location Address: Playmoor House Causey Lane Exeter Devon EX1 3SG	
Proposal: Reduction in foot print, alterations to windows, doors and porch (Non material amendment to 17/0306/FUL).	
Delegated Decision	
Application Number: 21/1943/VOC	Delegation Briefing: 20/01/2022
Decision Type: Permitted	Date: 24/02/2022
Location Address: Playmoor House Causey Lane Exeter Devon EX1 3SG	
Proposal: Variation of Condition 5 (SAP calculation demonstrating reduction in CO2 emissions) of 17/0306/FUL.	
Delegated Decision	
Application Number: 22/0010/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 22/02/2022
Location Address: Land Between Pinn Lane And Grenadier Road Exeter Business Park Grenadier Road Exeter Devon	
Proposal: Discharge of condition 6 (Drainage) of planning permission 21/0778/FUL.	
Delegated Decision	
Application Number: 22/0111/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 17/02/2022
Location Address: Cornerways 1 Old Pinn Lane Exeter Devon EX1 3RF	
Proposal: T1 - Hornbeam Reduce western side of the crown by 1.5m using a maximum cut diameter of 25mm. Prune crown around the streetlamp by 1.5m using a maximum cut diameter of 25mm to gain a 1.0m clearance. Reason for Works: T1- Hornbeam To reduce dominance over the property.	
Delegated Decision	
Application Number: 22/0281/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 03/03/2022
Location Address: 13 Masefield Road Exeter Devon EX4 8HA	
Proposal: Discharge of conditions 5 (materials) and 6 (landscaping scheme) of planning permission 20/1412/FUL.	

Delegated Decision	
Application Number: 22/0093/FUL	Delegation Briefing: 10/02/2022
Decision Type: Permitted	Date: 14/03/2022
Location Address: 22 Garden Close Exeter Devon EX2 5PA	
Proposal: Proposed wrap around extension to rear/side.	
Delegated Decision	
Application Number: 22/0096/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 17/02/2022
Location Address: Tesco Stores Ltd Russell Way Exeter Devon EX2 7EZ	
Proposal: Cut down Trees around the PFS site as leaves causing drainage problems in roof of PFS site. Area 1, Area 2 team to fell to ground level mixed species broad leaf trees up to 6 meters from building. T1 Copper Beech, T2 Oak limbs growing towards building to be cut back by 2 meters. Works will be done by climbing up and section cutting from the top.	
Delegated Decision	
Application Number: 22/0127/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 17/02/2022
Location Address: 9 Betony Rise Exeter Devon EX2 5RR	
Proposal: G1. Reduce mixed hedgerow trees consisting of Elm, Hazel to height of fence, a reduction of 4.5m. Section/Fell holly to as close to ground level as practical. Reduce cypress by approx 1.5m.	
St Thomas	
Delegated Decision	
Application Number: 22/0038/FUL	Delegation Briefing: 17/02/2022
Decision Type: Permitted	Date: 14/03/2022
Location Address: 97 Cowick Street Exeter Devon EX4 1JF	
Proposal: Renovate front of house and replacement render, windows and door.	
Delegated Decision	
Application Number: 22/0039/LBC	Delegation Briefing: 17/02/2022
Decision Type: Permitted	Date: 14/03/2022
Location Address: 97 Cowick Street Exeter Devon EX4 1JF	
Proposal: Renovate front of house and replacement render, windows and door.	
Delegated Decision	
Application Number: 22/0040/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 08/03/2022
Location Address: 3 Croft Chase Exeter Devon EX4 1TB	
Proposal: Single storey flat roof side extension.	

Delegated Decision	
Application Number: 22/0094/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 09/03/2022
Location Address: 22 Cambridge Street Exeter Devon EX4 1BY	
Proposal: Single storey rear and side extension.	
Delegated Decision	
Application Number: 22/0225/CTY	Delegation Briefing:
Decision Type: Raise No Objection	Date: 24/02/2022
Location Address: Devon County Council West Exe Childrens Centre Cowick Street Exeter Devon EX4 1HL	
Proposal: Installation of a roof-mounted solar PV system on two of the roof slopes of the West Exe Childrens Centre	
Topsham	
Delegated Decision	
Application Number: 21/1435/RES	Delegation Briefing: 21/10/2021
Decision Type: Permitted	Date: 21/02/2022
Location Address: Land Adjoining Exeter Road Exeter Road Topsham Devon	
Proposal: Approval of reserved matters of layout, scale, appearance and landscaping, and Discharge of Conditions 14 (Pedestrian/Cycle Path connection to adjoining land) and 18 (Building Regs standard) of Outline Planning Permission Ref: 19/1465/OUT.	
Delegated Decision	
Application Number: 21/1510/FUL	Delegation Briefing: 21/10/2021
Decision Type: Refuse Planning Permission	Date: 11/02/2022
Location Address: 30 Victoria Road Topsham Exeter Devon EX3 0EU	
Proposal: Demolition and remodelling of existing rear outhouses and infill extensions, and construction of ground and first floor rear extensions.	
Delegated Decision	
Application Number: 21/1511/LBC	Delegation Briefing: 21/10/2021
Decision Type: Refuse Planning Permission	Date: 11/02/2022
Location Address: 30 Victoria Road Topsham Exeter Devon EX3 0EU	
Proposal: Demolition and remodelling of existing rear outhouses and infill extensions, construction of ground and first floor rear extensions, two new external basement windows, repositioning of water pump and other internal alterations.	

Delegated Decision			
Application Number:	21/1736/FUL	Delegation Briefing:	25/11/2021
Decision Type:	Permitted	Date:	18/03/2022
Location Address:	34 The Strand Topsham Exeter Devon EX3 0AY		
Proposal:	Removal of workshop outbuilding, and new swimming pool in garden.		
Delegated Decision			
Application Number:	21/1737/LBC	Delegation Briefing:	25/11/2021
Decision Type:	Permitted	Date:	18/03/2022
Location Address:	34 The Strand Topsham Exeter Devon EX3 0AY		
Proposal:	Internal remodelling, removal of workshop outbuilding, relocate back door, and new swimming pool in garden.		
Delegated Decision			
Application Number:	21/1756/FUL	Delegation Briefing:	09/12/2021
Decision Type:	Refuse Planning Permission	Date:	10/02/2022
Location Address:	79 Newcourt Road Topsham Exeter Devon EX3 0BU		
Proposal:	Front and side wraparound extension with increased roof ridge height to provide integrated garage and first floor living accommodation above.		
Delegated Decision			
Application Number:	21/1839/FUL	Delegation Briefing:	09/12/2021
Decision Type:	Permitted	Date:	17/02/2022
Location Address:	10 Station Road Topsham Exeter Devon EX3 0DT		
Proposal:	Single storey rear extension.		
Delegated Decision			
Application Number:	21/1880/FUL	Delegation Briefing:	20/01/2022
Decision Type:	Permitted	Date:	16/03/2022
Location Address:	5 Sunhill Lane Topsham Exeter Devon EX3 0BR		
Proposal:	Single and two storey rear extension, and entrance gates.		
Delegated Decision			
Application Number:	21/1905/FUL	Delegation Briefing:	10/02/2022
Decision Type:	Permitted	Date:	15/03/2022
Location Address:	36 Retreat Road Topsham Exeter Devon EX3 0LF		
Proposal:	Single story rear extension.		

Delegated Decision	
Application Number: 21/1919/FUL	Delegation Briefing: 20/01/2022
Decision Type: Permitted	Date: 22/02/2022
Location Address: Topsham Recreation Ground Small Boat Park Ferry Road Topsham Devon	
Proposal: Installation of a Kayak/Canoe rack on existing dinghy park.	
Delegated Decision	
Application Number: 21/1931/LBC	Delegation Briefing: 20/01/2022
Decision Type: Permitted	Date: 28/02/2022
Location Address: 14 The Strand Topsham Exeter Devon EX3 0AN	
Proposal: Replace natural slate roof covering (Retrospective Application).	
Delegated Decision	
Application Number: 21/1942/LBC	Delegation Briefing: 13/01/2022
Decision Type: Permitted	Date: 02/03/2022
Location Address: 50 The Strand Topsham Exeter Devon EX3 0AS	
Proposal: Refurbishment works including new first floor en-suite and repairs/replacement to specified windows.	
Delegated Decision	
Application Number: 21/1946/FUL	Delegation Briefing: 13/01/2022
Decision Type: Permitted	Date: 02/03/2022
Location Address: Flat 4 Exedene 20 Ferry Road Topsham Exeter Devon EX3 0JN	
Proposal: Internal and external alterations and repairs.	
Delegated Decision	
Application Number: 21/1947/LBC	Delegation Briefing: 13/01/2022
Decision Type: Permitted	Date: 02/03/2022
Location Address: Flat 4 Exedene 20 Ferry Road Topsham Exeter Devon EX3 0JN	
Proposal: Internal and external alterations and repairs.	
Delegated Decision	
Application Number: 21/1962/FUL	Delegation Briefing: 13/01/2022
Decision Type: Permitted	Date: 02/03/2022
Location Address: Wixels Ferry Road Topsham Exeter Devon EX3 0JH	
Proposal: External alterations including structural underpinning works, and rebuilding north and west elevations	

Delegated Decision	
Application Number:	21/1963/LBC
Delegation Briefing:	13/01/2022
Decision Type:	Permitted
Date:	02/03/2022
Location Address:	Wixels Ferry Road Topsham Exeter Devon EX3 0JH
Proposal:	Internal and external alterations including structural underpinning works, rebuilding north and west elevations, installation of steel beam, replacement staircase, and alterations to walls, windows and doors.
Delegated Decision	
Application Number:	22/0042/FUL
Delegation Briefing:	03/02/2022
Decision Type:	Permitted
Date:	14/03/2022
Location Address:	79 Dart Avenue Exeter Devon EX2 7TX
Proposal:	Single storey flat roof rear extension.
Delegated Decision	
Application Number:	22/0046/LPD
Delegation Briefing:	
Decision Type:	Was lawful use
Date:	09/03/2022
Location Address:	45 Retreat Road Topsham Exeter Devon EX3 0LF
Proposal:	Flush roof lights to front; dormer window to rear; single storey rear extension. Garage/car port to rear garden.
Delegated Decision	
Application Number:	22/0062/LPD
Delegation Briefing:	
Decision Type:	Was lawful use
Date:	09/03/2022
Location Address:	18 Hamilton Road Topsham Exeter Devon EX3 0LP
Proposal:	Construction of single storey rear extension.
Delegated Decision	
Application Number:	22/0071/VOC
Delegation Briefing:	03/02/2022
Decision Type:	Permitted
Date:	03/03/2022
Location Address:	85 Newcourt Road Topsham Exeter Devon EX3 0BU
Proposal:	Variation of Condition 2 (details and drawings compliance) to regularise 1m increase in depth of single storey rear extension.
Delegated Decision	
Application Number:	22/0099/VOC
Delegation Briefing:	03/02/2022
Decision Type:	Permitted
Date:	02/03/2022
Location Address:	Rivendell Denver Road Topsham Exeter Devon EX3 0BS
Proposal:	Variation of Condition 2 (Details and drawings compliance) of Planning Permission 21/1340/FUL for the addition of a basement.

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 28 March 2022
Report of: City Development Strategic Lead
Title: Appeals Report

Is this a Key Decision? No

Is this an Executive or Council Function? No

1. What is the report about?

- 1.1 The report provides Members with information on latest decisions received and new appeals since the last report.

2. Recommendation:

- 2.1 Members are asked to note the report.

3. Appeal Decisions

- 3.1 [21/0941/FUL](#) – **66 Tollards Road** – *Two storey side and single storey wraparound extensions.*

The main issue of the appeal was the effect of the proposal on the character and appearance of the area.

The appeal site concerned a 1.5 storey semi-detached dwelling with a steeply pitched roof and flat roof front and rear dormers, and surrounding domestic curtilage (C3 Use Class). The property was constructed in the 1960s in a residential suburb located north of Topsham Road, south of Ludwell Valley Park and east of Pynes Hill Business Park. The area is characterised by uniform rows of semi-detached dwellings occupying spacious plots with large gardens.

The inspector agreed the extension achieves subservience in terms of scale and position but that its roof form would be contrived, asymmetrical and incompatible with the steeply pitched roof of the existing house. Notwithstanding the differences in ground levels between Nos. 66 and 64 next door (to the south) the extension would break the visual break between the pair and cause a harmful terracing effect in the street scene – such an addition was considered uncharacteristic in the area which is well defined by semi-detached properties and the gaps between them. The proposal was considered contrary to Principle 2 of the Householder's Guide to Extension Design SPD on this basis – 'it would not respect the pattern of buildings in the street or the spaces between them...'. Interestingly, the inspector referred to two planning approvals for first floor and two storey side extensions at Nos. 39 and 41 Wendover Way nearby but noted that these planning decisions were made in a materially different policy context and that those developments are at odds with the established character of the area so do not set a positive design precedent which is justified to repeat in this plot.

Accordingly it was concluded that the proposal would have a harmful effect upon the character and appearance of the area. Further it would conflict with Policies CP17 and DG1, the Framework and the local development plan taken as a whole. As there were no other considerations to outweigh this conflict the appeal was dismissed.

3.2 [21/0209/FUL](#) – **8 Lower Kings Avenue** - *Construction of porch extension.*

The application was refused due to the unsympathetic form of development that would be harmful to the character and appearance of the dwelling; and that it would detract from the established character and appearance of the existing street scene and local townscape.

The Inspector considered Lower King's Avenue to have a high degree of symmetry in its pairs of semi-detached dwellings, which combined with the general absence of unsympathetic alterations creates a well-ordered and well-maintained street scene. No 8 is one of a pair which share a near symmetrical facade, with the entrances set centrally between projecting bays which bookend the building.

The proposed porch would disrupt the symmetrical composition of the building to its detriment and that of the street scene. As such, the proposal would have an unacceptable effect on the character and appearance of the area. While the Inspector acknowledged a porch could be constructed under permitted development this would be clearly smaller, and therefore less detrimental. Accordingly, the appeal was dismissed.

4. **New Appeals**

4.1 [20/0538/OUT](#) – **Land Off Spruce Close And Celia Crescent** – *Outline application for up to 93 residential dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration) (Revised Scheme).*

4.2 [21/0510/FUL](#) – **Land Adjacent To 17 New North Road** - *Demolition of existing garages and construction of 4/5 storey building with five, 2-bedroom flats and associated landscaping (Amended Description).*

4.3 [21/1717/ADV](#) – **Philip House, Honiton Road, St Loyes** - *Installation of freestanding internally illuminated digital advert display board.*

4.4 [21/1722/FUL](#) – **Green Knoll, Old Rydon Lane, Topsham** – *Single storey side and rear wraparound extension.*

4.5 [21/1892/LPD](#) – **42 Hoopern Street** – *Change of use of C3 dwellinghouse to C4 small HMO limited to three residents.*

4.6 [21/0859/FUL](#) – **Unit 5, Tan Lane** - *Demolition of existing industrial unit and construction of a two storey building consisting of ground floor office and first floor u3-bedroom dwelling unit with roof garden.*

Bindu Arjoon
Deputy Chief Executive

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report:

Letters, application files and appeal documents referred to in report are available for inspection from: City Development, Civic Centre, Paris Street, Exeter

Contact for enquiries: Democratic Services (Committees) - Tel: 01392 265275