PLANNING COMMITTEE

Monday 19 February 2024

Present:-

Councillor Knott (Chair)
Councillors Asvachin, Begley, Bennett, Jobson, Ketchin, Miller, Mitchell, M, Patrick, Sheridan, Vizard and Warwick

Apologies

Councillors Wardle and Williams, M

Also Present
Director of City Development, Principal Project Manager (Development) (MD), Prinicipal Project Manager (Development), Planning Solicitor and Democratic Services Officer (SLS)

7 MINUTES

The minutes of the meeting held on 5 December 2023 and 15 January 2024 were taken as read, approved and signed by the Chair as correct.

8 DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

9 PLANNING APPLICATION NO. 23-1174-RES - LAND OFF SPRUCE CLOSE AND CELIA CRESCENT, SPRUCE CLOSE, EXETER

The Principal Project Manager – Development Management (CMB) presented the application for approval of reserved matters of layout, scale, appearance and landscaping pursuant to planning permission ref. 20/0538/OUT for the erection of 93 dwellings with associated access, drainage, open space, play area and landscaping.

A presentation, published on the web site, included the wider site and site layout, street scenes and illustrative visuals of the proposed dwellings. The following information was provided, including a reminder that the outline consent for 93 dwellings was originally refused by Planning Committee, due to the development on a greenfield site, but was allowed at appeal due to housing need. The outline consent included various approved parameter plans on scale, height, movement, and space provision.

- the number of objections had risen from 32 to 36 (although one objection was neutral) and related to comments on the principle of the development, highways issues, the effect on the ecology, flooding and infrastructure, residential amenity, character, concerns for the valley park, impact on the wider landscape setting and the management of construction. Many of the concerns expressed in the representations have been assessed and found to be acceptable, but other concerns raised were beyond the remit of this application or were addressed under the original outline conditions and the Section 106 Agreement.
- there have been no objections from any statutory consultees except from the Lead Local Flood Authority. The drainage conditions were subject to outline conditions rather than reserved matters, and would be taken into

consideration under a separate application (23/1175/DIS). It was intended that the Lead Local Flood Authority would remove its holding objection following the imminent return of the confirming officer.

- an objection from Living Options Devon which related to a misnumbering of the wheelchair accessible units had now been updated.
- the impact on the wider area including the landscape setting was found to be acceptable at the outline stage, subject to a building height parameter plan of the 9.5 metres limit, with a plus or minus of one metre height differential in the northwest part of the site, and similarly, in the southeast part of the site, of a house type to be less than 12 metres, with the caveat of a plus or minus one metre was deemed compliant.
- there were five instances of affected properties which were detailed at the meeting. There had been further discussion between the developer and occupier of 67 Pinwood Meadow Drive in relation to a suitable boundary treatment to the front garden.
- an objection relating to a new access and adjacent Devon Bank had been addressed by a Section 106 Agreement and contribution.
- the 93 new dwellings would be a positive contribution towards the current local housing need, with 35% being affordable housing, to include 32 units on site, plus a financial contribution and as set out in the Section 106 Agreement.

The application has been substantially improved following the Design Review and Urban Design Officers' comments with more street trees and less visible car parking. Other benefits included employment through the construction phase, increased footfall for local amenities, a developer contribution for the Valley Park, a public open space on site including equipped and non equipped areas as well as an orchard. There would also be a biodiversity net gain of over 10% with themajority of existing mature hedgerows and trees being retained. In conclusion, and in line with NPPF paragraph 11c, there were no adverse impacts to outweigh the benefits of the scheme and the recommended proposal would be to APPROVE, subject to the conditions as set out in the report and in the update sheet, and subject to the removal of the current holding objection from the Lead Local Flood Authority.

In response to queries from Members, the Principal Project Manager – Development Management advised that:-

- provisions within the outline Section 106 Agreement would address the future management of the valley park.
- although impact assessments for the ecological and biodiversity aspects of the application were included in the outline application, a request for updated information could be made.
- a contribution of approximately £15,000 would be paid to the City Council, to create the Devon bank.
- the detail of the community orchard was under consideration under a separate discharge condition and part of the long-term management.
- the outline consent included a landscape value impact assessment, and the current scheme was within the parameters set out to protect the landscape setting.
- Devon County Council had requested soak away tests results be undertaken to demonstrate that an attenuation based method was required. The Officer dealing with that matter would remove the holding objection.
- the public would have greater access to the area and new valley park. A parameter plan called 'Movement and Access' had assessed the walking,

cycling and vehicular routes. The current scheme was in compliance with the approved plan.

In response to a Member's comments, the Assistant Services Lead (Development Management) clarified that the proposal for 93 dwellings and conditions had not changed. The outline consent was granted by the Planning Inspector at the Appeal. He added that access to the existing site was informal, but the outline permission, included a legal agreement to ensure greater public access in perpetuity. The adoption of the highway would enable the public to have access through the site. A number of options for the future management of the valley park had still to be determined.

Speaking Under Standing Order 44, Councillor Allcock had anticipated that a public speaker, Dr Baker would speak objecting to the application on behalf of the community, but it was noted that the correct registration had not been made. However, with the agreement of the Chair, Councillor Allcock was permitted to read Dr Baker's speech.

Councillor Allcock raised the following points:-

- the outline application had been very controversial with strong opposition from the community. Their concerns included the unsustainability and inaccessibility of a hill top green field site, which was an unsuitable location for new housing. The Planning Committee had previously agreed with that view and the application had been unanimously refused.
- the Planning Inspector's decision to uphold the appeal and grant outline permission had been disappointing to the community.
- although there were still strong feelings following the Appeal decision, it was important to look forward to ensuring that the houses built on those fields were of the best design and quality possible to negate the impact on the local area and neighbouring residents.
- she was grateful to the Planning Officers who had worked hard on the application and acknowledged that with the inclusion of the independent Design Review process there had been substantial improvements to the application.
- although she was not aware of issues over the current design and layout of the site, she hoped that the discharge of conditions application would deal with residents remaining concerns.
- she sought some reassurance over the impact of the new road on the valued community green at the top of Juniper Close during construction and after completion of the site, and enquired if the Devon Bank could be established before the new road opened and included as a further condition to Section 7. The community would welcome engagement with officers over the coming months to help shape the design of the Bank. She was reassured there would be further consultation over access with the Highways Authority.
- although not part of the application, there was a concern over excessive run off water in the area and houses directly below the development have experienced flooding during recent heavy rain. She welcomed the planned flood mitigation for this development which would also improve existing flooding issues in the area.
- the new valley park and public access was a silver lining from the development and the community had already started to have discussions on the management of the space going forward. It was noted that it will be managed by a development management company but a concern over the potential loss of the wild open countryside characteristics. The community

were keen to explore stewardship with the Devon Wildlife Trust and integrate the area into the city's valley park network.
- the community were keen to explore the feasibility of allowing some access to the site and valley park prior to occupation.
- one last point, was to draw attention to two planned roads from the houses at the bottom field and reassurance that those roads would not be used to extend the development further northeast in the future.

Councillor Allcock read out some comments from Dr Gillian Baker:-

- Dr Baker thanked the Assistant Services Lead (Development Management) and the Planning Department who had worked hard to minimise the impact of the build and the negotiations for the new valley park.
- there had been 465 objections to the original development and Councillor Allcock had provided support and reasoning for the development to be rejected by the Planning Committee.
- a fund by the community for the Planning appeal had raised over £5,000 to support the Rule 6 party involvement and the local community to fight the development in the four day enquiry.
- this was a valued part of the Northern hills of Exeter, which despite the best efforts of the community and Members would now be developed for housing.
- it was now important to ensure that this development was the best it could be with the least impact negative on the local community.
- there remained concern over the details of the discharge conditions, for which there has been no public consultation.
- some assurance was sought from the Planning Department that the flood mitigation would be sufficient to reduce the impact of this development and decrease the flood risk in the area.
- the community would like to be involved in the design and timings of the Devon Bank construction to protect Spruce Close from the access road.
- a request for further consultation to discuss whether a bus route through the estate and if yellow lines in Pinwood Meadow Drive would be advantageous or detrimental.
- to negotiate access to the valley park before and during the construction phase and have a say in the management of the Vally Park and how biodiversity net gain would be achieved.
- and a request to work collaboratively with Edenstone and the Council to ensure that a silver lining in this dark cloud that has blighted our community can be found.

Councillor Allcock responded to a Member's comment and advised that she had talked to the developer at the Public Enquiry over the reticence of access to the site and safety concerns of public access during construction, and before the homes were occupied.

Mr Dan Trundle from Black Box Planning attended and speaking in support of the application raised the following points:-

- this was a high quality scheme from an independent, regional housebuilder with a proven track record of delivery across the South West.
- the designs were the result of a considered and constructive pre-application enquiry with planning, design and ecology officers, which involved the proposal being assessed by an independent Design Review Panel.
- the scheme meets the approved parameter plans and Section 106 obligations from the outline permission, including significant street planting, a

new Valley Park for the city, two new play areas and an orchard area.
- the scheme would deliver a very significant in terms of Biodiversity Net Gain, with an 75% increase in habitats and 150% increase in hedgerows – which was above the recently mandated 10% requirement for new applications.
- the high specification dwellings include improved building fabric, air source heat pumps (with no connection to the gas grid), smart meters, electric vehicle charging points, battery storage and inverters and full fibre ready broadband.
- the scheme would deliver 32 affordable homes to be brought forward in partnership with a Registered Provider. The affordable housing mix accords with the locally assessed need – 23 to be available for Social Rent with 9 available for shared ownership with a mix of 1-to-4-bedroom homes.
- this scheme would be able to be added to the Council's five-year housing land supply forecast.
- the application represented good design, was universally compliant with the outline planning permission and he hoped that Members would approve the recommendation.

Mr Trundle responded as follows to queries from Members:-

- the affordable housing and the detailed location of each phase was set out in the application. The Council's Affordable Housing Officer and the Design Officer had discussed the clustering of the affordable housing element and noted that there would be no more than 9 dwellings in one location.
- the valley park site was currently private land with no rights of access, and the application would provide access. A construction management plan would also include health and safety consideration but encouraging public access through a construction site was unwise.

Members debated the application. A Member made the following comment that the original refusal of the application was the right decision. The local residents and Councillor Allcock had been very involved in the application process. The Member raised his concern over traffic access before the Devon Bank was created.

The Assistant Services Lead (Development Management) responded to two points:-

- regarding the proposal for a further amendment to Condition 7 relating to the Devon Bank, requiring the implementation of the Devon Bank prior to the access being in place, he stated that with any condition, the request had to comply with legal tests. The area identified for the Devon Bank, was included in the Section 106 agreement, but was not on City Council owned land. The local community had negotiated for a sum of money to be given to the City Council to provide a boundary treatment, prior to the development and the Council would be able to determine the nature of the boundary treatment and as and when it was delivered.
- He was aware of the issues over poor drainage due to the nature of the soil and the slope which had affected existing properties. As with any development, flooding and drainage concerns were key aspects and a condition had been added after the Appeal decision with a separate discharge condition application. The developers had provided a Drainage Strategy, to deal with the natural attenuation and the water run off rate. Devon County Council will employ drainage engineers to assess this aspect of the proposals, which should result in an improvement for local residents.

The recommendation was moved, seconded and CARRIED.

RESOLVED that planning permission for reserved matters of layout, scale, appearance and landscaping pursuant to planning permission ref. 20/0538/OUT for the erection of 93 dwellings with associated access, drainage, open space, play area and landscaping:-

be **APPROVED** subject to the conditions as set out in the report and in the update sheet, and subject to the removal of the current holding objection from the Lead Local Flood Authority.

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

The report of the Director City Development was submitted.

RESOLVED that the report be noted.

11 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

The Director City Development responded to a Member's comment on the Heavitree Road Appeal and the role of Devon County Council, as the Highway Authority and stated that the Planning Inspector's report had included comments on the design, scale and massing of the application, and being out of keeping with the character of the surrounding area, which led to the appeal being dismissed. The appeal decision would offer learning opportunities which would be taken up as part of a case review. In a further response to the Member, it was noted that in general terms, Devon County offered the City Council support through their expert commentary and advice, as well as attendance at this Committee by a dedicated officer. A Local Member for Newtown and St Leonard's wished to record his thanks to the City Council's Planning and legal officers and external legal representation associated with the case as well as the community for their support.

The Director City Development also reported that Members would be aware that the High Court handed down its judgment against this Planning Committee's decision to grant outline planning permission at St. Bridget's Nursery. Officers have considered the judgment to 'quash' the decision carefully. He stated that officers were putting in place steps to consider the matter afresh. The application will be brought back to be redetermined by this Committee in due course.

RESOLVED that the Appeals report be noted.

(The meeting commenced at 5.30 pm and closed at 7.00 pm)

Chair