

## **PLANNING**

Date: Monday 29 July 2024  
Time: 5.30 pm  
Venue: Rennes Room, Civic Centre, Paris Street, Exeter

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

If you have an enquiry regarding any items on this agenda, please contact Pierre Doutreligne, Democratic Services Officer (Committees) on 01392 265486.

Entry to the Civic Centre can be gained through the rear entrance, located at the back of the Customer Service Centre, Paris Street.

### *Membership -*

Councillors Knott (Chair), Patrick (Deputy Chair), Asvachin, Atkinson, Banyard, Bennett, Hughes, Hussain, Jobson, Ketchin, Miller, Mitchell, M, Pole and Rolstone

## **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 29 May 2024

(Pages 5 -  
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#### **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. 22/0511/OUT - Land Off Pendragon Road, Exeter**

To consider the report of the Strategic Director for Place. (Pages 9 - 56)

#### 6 **Planning Application No. 23/1380/OUT - Land to the North of Exeter, Stoke Hill, Exeter**

To consider the report of the Strategic Director for Place. (Pages 57 - 124)

#### 7 **Planning Application No. 24/0009/FUL - Tesco Stores Ltd, Russell Way, Exeter EX2 7EZ**

To consider the report of the Strategic Director for Place. (Pages 125 - 172)

#### 8 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Strategic Director for Place. (Pages 173 - 202)

#### 9 **Appeals Report**

To consider the report of the Strategic Director for Place. (Pages 203 - 210)

#### **Date of Next Meeting**

The next scheduled meeting of the Planning Committee will be held on **Monday 2 September 2024** at 5.30 pm in the Civic Centre.

**Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265486.**

## PLANNING COMMITTEE

Wednesday 29 May 2024

### Present:-

Councillor Knott (Chair)

Councillors Patrick, Asvachin, Atkinson, Banyard, Bennett, Hughes, Hussain, Jobson, Miller, Mitchell, M, Pole and Rolstone

### Apologies

Councillor Ketchin

### Also Present

Director of City Development, Service Lead City Development and Democratic Services Officer (PMD)

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### MINUTES

The minutes of the meeting held on 25 March 2014 were taken as read, approved and signed by the Chair as correct.

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### DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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### PLANNING APPLICATION NO. 24/0063/FUL - 70 ADMIRAL WAY, EXETER EX2 7GT

The Service Lead - City Development presented the application for solar panels on roof of dwelling and garage, advising that this was a relatively straightforward domestic alteration, which normally would not come to Committee but did so on this occasion because:-

- the property - along with its neighbours - had their permitted development rights removed through condition 15 of the original application; and
- the applicant was the spouse of an Exeter City Council member of staff, which requires going to committee for reasons of transparency.

He talked Members through his presentation, which included:-

- site location plan;
- aerial view;
- photographs of neighbouring properties;
- proposed site plan;
- proposed fixing layout;
- various other solar arrays in the area; and
- officer recommended conditions.

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

Councillor Mitchell asked what effect the approval of the proposal would have on the development rights of neighbouring properties. The Service Lead - City

Development clarified that any approval would only apply to the applicant's property and that neighbours would have to apply individually.

There were no other questions and Members opted to go straight to the vote. The Chair moved the recommendation for approval with conditions, which was seconded by Councillor Mitchell, voted upon and CARRIED.

**RESOLVED** that planning permission for solar panels on roof of dwelling and garage be approved subject to the conditions set out in the report.

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

The report of the City Development Manager was submitted. In regard of 24/0263/DIS (Land Off Spruce Close And Celia Crescent Spruce Close Exeter), Councillor enquired about the nature of the Landscape and Ecological Management Plan. The Service Lead - City Development offered to contact her in the following days with a detailed answer.

**RESOLVED** that the report be noted.

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### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted. The Director - City Development drew Members' attention to application No. 21/1014/FUL (68-72 Howell Road, St James) and highlighted:-

- how the appeal was granted;
- how the Inspector had noted that policy H5(b) of the Local Plan had remarked a lack of clear definitions around over concentration, area of the city and imbalance in the community.

He also advised that he had asked the Planning Team to delve into the Inspector's decision.

Councillor Mitchell thanked the officers involved for their work and made the following comments:-

- the community in St James was bewildered by the appeal decision;
- the concept of balance in the plan referred to buildings; and
- community balance was not the same as mixed communities.

Councillor Hughes relayed similar concerns from Pennsylvania residents and noted that the wording of the appeal decision seemed to suggest that it agreed with the original refusal whilst upholding the appeal.

Members made the following further comments:-

- purpose-built student accommodation (PBSA) applications were always problematic;
- the new Local Plan provided an opportunity to agree on a precise definition of "balance";
- it was unclear whether limits set for student accommodation would apply to the entire city or to specific wards or even smaller areas;
- it was important not to create a divisive "us and them" rhetoric in any debate on student accommodation;
- it was worth investigating any best practice from similar cities;

- it would be helpful if future iterations of the supporting text were more thorough;
- imbalance could come from having an area where there was already an over concentration of students; and
- high concentration of student accommodation was sometimes perceived rather than factual.

Addressing the above comments, The Director - City Development :-

- provided clarity on the issue of costs and how the recent approval for PBSA at Beaufort House, to which reference had been made, had not been considered similar enough;
- agreed with a Member that the judgement could be viewed as setting a precedent and could make it more likely that other challenges would succeed;
- confirmed that it was unlikely that lawyers were involved in the appeal, seeing as a written representation had been submitted;
- called for a 'root and branch' approach to addressing over concentration;
- felt it was essential to consider the objectives of the city as a whole;
- stressed the need for a strong evidence based to justify any course of action;
- explained that the supporting text were not examined to the same extent as policies and also did not carry the same weight; and
- highlighted the need to weigh up the benefits of having students in Exeter.

**RESOLVED** that the report be noted.

(The meeting commenced at 5.30 pm and closed at 6.18 pm)

Chair

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## Planning Committee Report 22/0511/OUT

### 1.0 Application Information

Number: [22/0511/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)

**Site Address:** Land Off Pendragon Road  
Pendragon Road  
Exeter  
Devon

**Registration Date:** 12 April 2022

**Link to Application:** [22/0511/OUT | Outline planning application for a residential development of up to 100 dwellings and associated infrastructure \(All matters reserved except access\) | Land Off Pendragon Road Pendragon Road Exeter Devon](#)

**Case Officer:** Christopher Cummings

**Ward Members:** Cllr Allcock, Cllr Pole, Cllr Williams

#### REASON APPLICATION IS GOING TO COMMITTEE

The Service 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 GRANT permission subject to completion of a S106 Agreement relating to matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

### 3.0 Description of site

The site comprises the lower two thirds of two semi-improved grassland fields to the north of Pendragon Road in the north of the city, within the Mincinglake and Whipton Ward.

The site area is 5.18ha and the fields are bordered 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 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 in and out of the site 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.

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 Site of Nature Conservation Importance (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.

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 level of access by the public to the site is disputed, but there are two clear 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.

The site is unallocated in the adopted Development Plan and the emerging Exeter Plan. 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).

**4.0 Table of key planning issues**

Issue	Conclusion
Overview	<p>The application is a revision to refusal 21/0020/OUT. That application was allowed on appeal whilst this scheme was being assessed.</p> <p>This application has revisions to the appealed scheme and the Council cannot refuse to determine it.</p> <p>The changes between the allowed appeal scheme and this one are:</p> <ul style="list-style-type: none"> <li>- Red-line alterations to remove the northern area from the site boundary. This is still proposed to be retained as public open space and secured through the</li> </ul>

Issue	Conclusion
	<p>S106 agreement.</p> <ul style="list-style-type: none"> <li>- An update to the NPPF in December 2023 that changed the housing supply requirements for the Council. The Council can now demonstrate the required 4-year housing supply and the tilted balance in favour of development is no longer in effect.</li> </ul> <p>The appeal decision sets a precedent of acceptability on a number of unaltered matters, with this report focusing on the revisions and their impact on any recommendation for this scheme.</p>
<p>Impact on Landscape Setting/character and local distinctiveness of the hills to the north of the city</p>	<p>This matter has not been significantly changed since the appeal decision. The appeal decision confirmed that whilst there are policies to protect the hills and landscape character they do not reject them in principle. A sequential assessment of sites is used, with a preference for brownfield over greenfield sites.</p> <p>The appeal decision stated that the scheme failed to accord with policies CP16, CS1 and DG1. However it was also noted that the harm caused was limited and localised due to the topography of the site and retention of the northern parts of the fields as open space.</p>
<p>Loss of open space</p>	<p>This matter has not been significantly changed since the appeal decision. It has been evidenced that the site has been accessed by the public for many years, with informal footpaths established around the site edges. There will be a loss of open space by the development, with further loss to accommodate biodiversity</p>

Issue	Conclusion
	improvements. The appeal decision notes whilst there is a loss of overall space the replacement areas will become publicly accessible and provide a range of more managed uses. Whilst there is a loss of the tranquil and rural setting on site, it is positioned between two Valley Parks/County Wildlife Sites which provide alternative space for use.
Access and impact on local highways	As with the appealed scheme there are proposed to be 2 vehicular access points on the southern boundary alongside additional pedestrian/cycle points. The Local Highway Authority raised no objections to this, with the proposed access being suitable for the development and advising there is capacity for the vehicle movements on the surrounding road network. Financial mitigation for impacts to Beacon Lane was requested. The on-site highway layout is a matter for a Reserved Matters application.
Affordable Housing	Policy requirements are 35% Affordable Housing, with this scheme proposing a level of 50%. This is a significant benefit to the scheme and is welcomed to support policy targets for affordable housing across the city.
Design	The layout and building design of the development is a Reserved Matter and will be dealt with at that stage. The net density of the scheme is 40 dwellings per hectare which is in line with that of the surrounding built environment which is 38 dwellings per hectare. 10% of the gross development area is required to be level open space and this can be accommodated within the scheme.
Amenity	The layout of the development is a Reserved Matter. Any new development would be expected to

Issue	Conclusion
	meet the Nationally Described Space Standards, as well as the requirements on amenity set out in the Residential Design Guide SPD in relation to both occupants and neighbours.
Impact on biodiversity	<p>The site is part of the North Exeter Wooded Hills and the Meadows 'Habitat Reservoir' and is positioned between two County Wildlife Sites.</p> <p>Trees to the south of the site will need to be removed to create the access points, however the creation of a new wildlife corridor along the northern boundary will mitigate for this.</p> <p>Development will be set away from hedges and tree root protection areas with a clear buffer to be secured via condition. A biodiversity net gain can be achieved on site in line with policy requirements.</p>
Contamination	<p>The initial report notes that parts of the site may have been used for landfill purposes and there is the potential for contamination on site. Both the Environment Agency and the Council's Environmental Health team recommend a condition requiring ground investigation and appropriate remediation as required. This can be secured via condition.</p>
Archaeology	<p>The site is within a landscape which has evidence of prehistoric and Roman occupation. A condition is therefore required for a written scheme of archaeological work to ensure this is handled appropriately.</p>
Impact on air quality	<p>The site is not within, or in close proximity to, an Air Quality Management Area. The submitted report notes that there will be negligible impacts generated by the proposal and measures to promote sustainable development will be incorporated into the scheme.</p>

Issue	Conclusion
Flood risk and surface water management	The site is within Flood Zone 1 and at low risk of flooding. A proposed drainage strategy was submitted demonstrating ground basin and was found to be acceptable subject to testing and detailed design at Reserved Matters stage.
Sustainable Construction	The submitted Sustainability Statement demonstrates how design and construction methods will be considered at Reserved Matters. There is no District Energy Network within the surrounding area and is not in an identified area for one to provided. A Waste Audit Statement will be secured at Reserved Matters or prior to commencement on site.
Housing Land Supply	Since the appeal decision there has been an update to the NPPF which affects how the Council's housing land supply is calculated. As the Council is at Regulation 18 stage of the emerging Exeter Plan the requirement has been reduced from 5 years to 4 years. The Council can demonstrate a 4 year supply at this time and therefore the tilted balance in favour of development no longer applies.
CIL/S106	<p>The proposed development is CIL liable.</p> <p>S106 obligations are the same as that of the approved appeal scheme as follows:</p> <ul style="list-style-type: none"> <li>- 50% Affordable Housing provision.</li> <li>- 10% of site to be public open space.</li> <li>- £395,000 for highways mitigation in the Pinhoe Area Access Strategy.</li> <li>- £5,000 for Traffic Regulation Order.</li> </ul>

Issue	Conclusion
	<ul style="list-style-type: none"> <li>- £112 per additional bedroom towards Pendragon Road MUGA.</li> <li>- £370 per additional bedroom towards Pendragon Road play area.</li> <li>- £624.83 per dwelling towards Royal Devon and Exeter NHS Foundation Trust.</li> <li>- £547.20 per dwelling for improvements to Whipton Surgery, Mount Pleasant Health Centre, Pinhoe and Broadclyst Surgery and ISCA Medical Practice.</li> <li>- £1,035.23 per Affordable Housing dwelling for mitigation measures due to recreational impacts to the Exe Estuary SPA.</li> </ul>
<p>Planning Balance and Conclusion</p>	<p>The core issue is whether the removal of the tilted balance in favour of development means that the proposal is now unacceptable. The appeal decision is still relevant and sets a precedent of acceptability and weight to be given to aspects of the scheme.</p> <p>The primary issue of the original refusal was the harm to the landscape character and setting of the site, however the Inspector noted that this was limited to local impacts and that gave it moderate weight. There are significant benefits to the scheme through the 50% Affordable Housing, provision of market housing, highway safety improvements and managed public open space. It is, on balance, considered that the appeal decision sets a precedent of acceptability for this scheme and that the benefits continue to outweigh the harm caused.</p>

## **5.0 Description of development**

Outline planning application for a residential development of up to 100 dwellings and associated infrastructure (All matters reserved except access).

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.

The access plans show two access points into the site from Pendragon Road for vehicles and pedestrians and an additional pedestrian/cycle link in the centre of the southern boundary.

5.5 metre wide roads with 2 metre wide footways on both sides lead from the access points into each of the fields. 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.

This application is a revision to previous application 21/0020/OUT which has seen the red line adjusted to remove the public open space area to the north of the site and the removal of Local Play Areas from the indicative plan.

The area to the north of the red line area is still under the same ownership and is proposed to become public open space through this application.

The previous application 21/0020/OUT was refused by the Council at Committee but allowed at appeal. This application is therefore considered to be a revision to the allowed application.

## **6.0 Supporting information provided by applicant**

- Cover Letter dated 12 April 2022
- Planning Statement dated May 2022
- Design and Access Statement April 2022
- Arboricultural Impact Assessment TC200702-AIA Rev A
- Ecological Impact Assessment 1243-EcIA-RP (March 2022)
- Ecology Addendum 1243-EA-SL (March 2022)
- Tree Constraints Plan TC200702-TCP Rev A
- Tree Impact Assessment Plan TC200702-TIAP Rev A
- Heritage Statement ACD2317/1/1 (April 2022)
- Landscape and Visual Appraisal 2823 (July 2021)
- Waste Audit Statement (August 2021)

- Air Quality Assessment AQ051813 V3 (dated 21 April 2022)
- Green Infrastructure Statement (Received 12 April 2022)
- Sustainability Statement (Received 12 April 2022)
- Applicant Email 17 May 2022 on Public Open Space provision
- Ecology Technical Note dated 14 June 2022

## 7.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
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.	REF	29.03.2022

Following refusal the application was allowed at appeal on 24 August 2023.

## 8.0 Consultations

Lead Local Flood Authority – No in-principle objection to proposal. It was noted that a footpath on the indicative layout conflicts with the western attenuation basin and this will need to be resolved.

Environment Agency – No objection to proposal subject to conditions relating to handling of contaminated land.

Natural England – No in-principle objections subject to mitigation for impacts on the protected European Marine Sites.

DCC Waste Planning – A Waste Audit Statement was submitted with the application however additional information would be required. There is no in-principle objection subject to a condition requiring submission of the additional information.

ECC Ecologist – No objection to scheme subject to conditions. The southern hedge is no longer Site of Nature Conservation Importance (SNCI) and whilst there are



impacts this can be dealt with through mitigation of additional planting. A condition restricting the developable area is also recommended to ensure suitable buffers and protection of existing features.

ECC Tree Manager – No objection to proposal. Loss of trees is regrettable, however due to their positioning at site access points their loss is acceptable. A significant robust planting scheme will be required to mitigate for their loss.

ECC Environmental Health – No objection to proposal subject to conditions relating to; submission of a CEMP, Air Quality Impact assessment and contamination investigation.

South West Water – No objection to proposal. SWW can provide water and sewerage for the site and applicant will need to contact them regarding details of this.

Police Designing Out Crime – Comment on the design of the indicative plan that should be taken into account at Reserved Matters in relation to rear pathways, boundary treatments, pedestrian routes, lighting and vehicle parking.

Devon and Somerset Fire and 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.

Exeter Airport – No safeguarding objections to the proposal provided safeguarding criteria are met.

Devon Wildlife Trust – Object to proposal for the following reasons:

- Full BNG metric assessment does not correspond with the Ecological Impact Assessment and 10% net gain has not been met.
- Further assessment is required to determine great crested newts in the surrounding area and any utilisation of the site.
- Proportion of the Savoy Hill CWS lies within the eastern extent of the site and clarification on the buffer between development and the CWS is required.
- Loss of 30m hedgerow will see loss of southern and part of central hedgerow for commuting/foraging bats. This needs to be quantified and mitigation provided. The proposed planting does not provide suitable mitigation for this.
- Breaches on hedgerow network appear to leave trees that have been identified as potential bat roosts isolated from commuting/foraging habitat.

Exeter Cycling Campaign – Object to proposal. Whilst the site is 700m from the cycle network at Beacon Lane, the cycle paths along this route are far from ideal and mix with pedestrians and narrow on-road lanes.

Location at top of steep incline will deter all by the most keen cyclists and would not be conducive for sustainable travel. Request improvements for the surrounding cycle network.

Secure cycle storage needs to meet SPD requirements. All roads should meet LTN 1/20 standards.

## 9.0 Representations

196 comments have been received on this, with 132 objections and 62 supporting.

The objections are as follows:

- Same application as previously refused.
- Site is well-known recreational area
- Site is beauty spot
- Site is used for exercise
- Loss of wildlife and fauna.
- Site is home to foxes, deer, hedgehogs, birds and more.
- Too many houses being built in this area.
- Area already struggles with traffic jams.
- Loss of green northern ridgeline, a key characteristic defining characteristic.
- Fields have not been in use as agriculture for decades.
- Blocking up of access has only occurred since planning applications submitted.
- Impact on bats that reside in the field and surrounding hedgerow.
- Savoy Hill and Mincinglake Valley Parks have high wildlife levels and the land bridge between these will be breached by the development.
- Site of high visual sensitivity.
- Lancelot Road and King Arthur Road are in poor condition for access roads.
- Surrounding roads struggle with existing traffic levels.
- Large parts of surrounding roads are effectively single carriageway due to vehicles parking on pavements/curbs on both sides.
- Already issue for buses and refuse carts to access the area and this will be made worse.
- Existing pavements are blocked by cars and this will be made worse.
- Bottlenecks in the existing road network by the Devon Yeoman and by roundabout by King Arthurs Road.
- Chicane at top of Lancelot Road will be removed. This is adjacent to play park and will see speeds increased and safety issues.
- Regular flooding of roads is already an issue on King Arthur's Road.
- Site is up a very steep hill so unlikely to be used by walkers and cyclists, leaving reliance on cars.
- Surrounding cycle network is just white line on the road and is not safe.
- High level of parking provided means people will rely on cars.
- No services nearby, with local pharmacy mentioned in Transport Statement having closed a few years ago. Walking distance would be doubled to the closest.

- Loss of important landscape feature which provides panoramic views of Exeter and surrounding area.
- Fields are protected by Policy.
- Site area is contradicted in the Planning Statement (4.9ha) and the Air Quality Assessment (7ha).
- Boundary includes part of Savoy Hill Valley Park and close to stream within this park.
- No guarantee on Affordable Housing levels in documents.
- Site is visible for several miles outside Exeter.
- Bus service in the area is unreliable and there is no direct service to any train station or the high street.
- Green spaces are of high importance, especially following the pandemic.
- Too much land along the northern hills are being lost to development. Edges of the city need to be protected.
- Brownfield land should be found within the city before destroying more green space.
- Vegetation can help cool the micro-climate and reduce pollutants and this will be lost.
- Area has potential for connecting to footpaths, bridle-ways and cycling routes.
- Schools and public services are already oversubscribed.
- Significant destruction of hedgerow and treeline.
- Nature surveys appear incomplete.
- Other sites should be prioritised over this one.
- Question over how HGVs will access the site for the development.
- Policy LS1 states 'development which would harm the landscape setting of the city will not be permitted'.
- Council can currently demonstrate 5 year housing supply.
- Steep slopes will increase flooding in the area.
- Site doesn't help with shortfall of 1-bed properties in the city.
- Exeter is becoming a concrete city.
- Site currently provides a local area for walking you don't have to travel to.
- This area is already densely populated.
- Fields are used to educate children and let them play.
- Should not be building on any agricultural land due to food insecurity at the moment.
- Contrary to Core Strategy policy CP16.
- Application refers to site as being 'west' but it is north of the city.
- Footfall to the Valley Parks will increase due to other developments in the area and will need this additional green space to accommodate visitors.
- Increase in traffic and pollution.
- No details of cycle storage or co-car and co-bike facilities and is not sustainable development.
- Increase in light pollution.
- Loss of visual amenity of the green hills will impact on tourism to the city.
- No GP, no post office, no banks and no pharmacy in the Beacon Heath area.
- Will set precedent for more building on the green spaces.

- Reduction in CO2 storage through loss of trees.
- Loss of outlook onto fields from neighbouring houses.
- Land is not designated for housing in the local plan.
- Impact on neighbours during construction.
- Toilets are needed to prevent hygiene issues and disease.
- Unacceptable urban creep.
- Increase in Affordable Housing will not mitigate the loss of natural habitat and distinctive characteristics of the hills to the north of the city.
- Dwellings are too far out of town.
- Houses will not be truly affordable dwellings for locals.
- 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.
- Conflict with saved policy L3 of Exeter Local Plan by loss of recreational and ecological space that would harm the local area and community.
- Contrary to saved policy DG1(c) due to out of character and out of place roads impacting on hedgerow.
- Loss of privacy to dwellings on Celia Crescent.
- Houses are huge contributor to CO2.
- Lack of affordable broadband in the area.
- Existing low water pressure will be made worse.
- Northern fields are considered a green belt around the city.
- Needs to have renewable energy as part of the development.
- Development is not suited for the climate crisis.
- Noise pollution in currently calm neighbourhood.
- Lack of information on Great crested newts, reptiles, roosting bats and birds. Only partial information on Dormouse and bat activity. 2021 surveys have not been submitted.
- Site forms part of the Exeter Biodiversity Network between two County Wildlife Sites.
- Biodiversity Net Gain calculations were done after the site has been cleared and under represent the site.
- Site is essential a public right of way.
- Although not officially part of Mincinglake Valley Park it is to all intents and purposes part of the park.

Supporting comments are as follows:

- Land was previously in agricultural use.
- Land was poor quality agricultural land.
- Development will see more homes becoming available.
- If land was used as agricultural there would be no foxes, badgers etc.
- More green fields should be released for development.
- Affordable Housing is needed, especially in this area of the city.
- 50% level of Affordable Housing is welcomed.
- Better choice of site than other food growing suitable land.

- No other real use for this site.
- There are positives towards wildlife and infrastructure in the reports.
- Land is private land, not publically accessible.
- Increase chances for locals to get on the housing ladder.
- Exeter does not have housing quota.
- Delivery of houses with gardens rather than high density flats.
- Mincinglake Valley Park is adjacent to the site for public access.
- Development will see improvement of unsightly field that has been neglected for years.
- Existing site has flytipping and will see this stop.
- GP surgeries can be increased in size.
- Bus services can be regulated better.
- Plans show a design and layout sympathetic to the area with public greenspace.
- Most areas of Exeter are overcrowded and lack infrastructure and this development will help alleviate this.
- Not enough brownfield land available for development in Exeter so sites like this should be used.
- Surrounding area has a history of development and this is another part of this.
- Much smaller than other developments in surrounding areas such as Pinhoe.
- Site is not overcrowded.
- National shortage of housing, and Exeter is no exception.

## 10.0 Relevant policies

### National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (Dec 2023) – 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

Exeter Local Plan Full Draft Regulation 18 (October 2023)

#### Other Material Considerations

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)

## **11.0 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.

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.

## **12.0 Public sector equalities duty**

As set out in the Equality 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 the 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) removing or minimising 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 other 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.

### **13.0 Planning assessment**

#### Overview

1. This application is a revision to refusal 21/0020/OUT. That application was to appeal and was allowed on 24 August 2023. During the appeal for the refused application this revised scheme was submitted to attempt to resolve the refusal reasons. This is not uncommon following a refusal due to the long timescales for the appeal process.
2. Following the appeal decision the applicant was asked if they would withdraw this application, however they declined to do so. As there have been changes to the red-line of the allowed scheme it is not considered to be a duplicate application and the Council is not able to refuse to determine the application on those grounds. This application is therefore still live and requires determination.
3. As this is a resubmission of the previous scheme it is very similar to that previously considered. There are, however, two significant altered aspects:
4.
  - a) The northern parcel of the site has been removed from within the red-line boundary. It is still proposed to secure this as public open space through a legal agreement.
  - b) An update to the National Planning Policy Framework was issued in December 2023, altering the housing supply requirements for Council’s undertaking consultation on new local plans. The Council can now demonstrate a suitable housing land supply and the tilted balance in favour of development is no longer in effect.
5. There is a clear precedent of acceptability of residential development in this location set by the Inspector’s assessment and decision and this forms a major consideration for this report. However, the changes set out above must be fully considered before a carefully balanced recommendation can be made.

#### Issues

6. 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 Biodiversity
7. Contaminated Land
8. Archaeology
9. Impact on Air Quality
10. Flood Risk and Surface Water Management
11. Sustainable Construction and Energy Conservation
12. Housing Land Supply
13. CIL/S106
14. Planning Balance and Conclusion

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

7. 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.
8. 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.
9. 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 a recent appeal decision on the hills to the north of Exeter (appeal ref. APP/Y110/W/20/3265253) ('Land at Pennsylvania Road'), CP16 is not out-of-date and carries full weight.

10. Policy H1 is also of relevance, which sets out a sequential approach to housing development, which sits alongside the vision of the Core Strategy. This does not preclude development of greenfield land, but instead requires a sequential assessment of sites and consideration of the impacts/benefits before coming to a balanced decision on the proposal.
11. 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)

12. A copy of the Landscape and Visual Appraisal (July 2021) (LVA) submitted with the appeal scheme has also been included with this application that concludes that whilst there would be an adverse effect on the landscape character of the site but that the 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.
13. A review of the LVA as submitted in appealed application 21/0020/OUT was carried out by a chartered landscape architect on behalf of the Council. Due to the same document being submitted, and little change to the quantum and area of development it is considered that their comments are applicable to this application as well.
14. The report states that the LVA is very scant and fails to consider landscape value, susceptibility to change and sensitivity to either landscape or visual change, does not analyse the site in the context of the broader city and landscape setting and 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.
15. The Council’s appointed chartered landscape architect considered that 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.

16. 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.
17. 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.
18. It should be noted that the site is very similar to the previously mentioned Land at Pennsylvania Road application (20/0596/OUT), which was dismissed at appeal. 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. It should also be noted that the Inspector considered the Fringes Study remained relevant in that appeal and therefore it is relevant to this scheme.
19. The appeal for this site saw the Inspector came to a different conclusion as set out in their decision letter for 21/0020/OUT. Whilst this is a revision to that scheme, the considerations of the landscape have not altered since the decision letter and as such a precedent of acceptability has been set.
20. The Inspectors comments are as follows:

*The proposed development of the appeal site would alter the character through the introduction of built form and the associated infrastructure and lighting. This would likely involve relatively extensive engineering to respond to the slopes within the site. The site would lose most of its rurality and tranquillity. Even the proposed areas of open space would be more landscaped and would be experienced in the context of the proposed housing*

*that would border those spaces. It would result in the loss of some of the substantial hedgerow and trees to the southern boundary and would therefore afford views through into the site that do not exist, or are heavily screened, at present.*

*However, the majority of the southern hedgerow, trees and bank would remain, as could be controlled by condition. The appeal site is well screened by the substantial hedgerows and trees to all sides. It feels self-contained. As viewed from further afield, the site is on a relatively shallow slope with the field behind rising up more prominently, to an obvious ridge line above. The appeal site itself is difficult to discern. It would be more visible in winter but would still be seen in the context of the existing northern extent of Exeter. If it were to be developed, the rural and tranquil setting to Exeter would remain and would simply be pushed slightly further back. Importantly, the steeper and more prominent fields and the ridgeline to the north would remain.*

*There would be some views from the CWSs, Mile Lane and nearby existing housing. However, even these would be largely screened by the retained hedgerows and trees. Mile Lane is a deeply set footpath surrounded by banks and trees to both sides. Only glimpsed views would be possible.*

*Fairly extensive engineering would be required in response to the sloping topography and to create suitable drainage systems, as would buffer zones to the retained hedgerows and trees. However, only up to 100 dwellings are proposed on an area of nearly 5 ha. This is a relatively low density and I am therefore confident that the site could accommodate the proposed development with a high quality design whilst protecting the hedgerows and trees that are proposed to be retained. This could be controlled at reserved matters and condition discharge stages.*

*There would be some harm to the character and appearance of the site itself, which would clearly lose its rural character and appearance. However, the appeal site, being set lower and heavily screened to all sides, is not prominent and this harm would therefore be limited. Importantly, as viewed from middle and long distances, the locally distinctive rural and tranquil setting of Exeter would remain, particularly because the steeper fields and the ridgeline to the north would remain undisturbed. The proposal would therefore harm the character and appearance of the site and the wider landscape setting, but only to a limited degree.*

*Nevertheless, the proposal consequently fails to comply with Policy CP16 of the CS, which protects the landscape of the hills to the north of the City and the Valley Parks. It fails to comply with Policy LS1 of the LPFR, which requires that proposals to not harm the landscape setting of the city and be integrated into the existing landscape. It fails to comply with Policy DG1 of the LPFR, which requires proposals to be fully integrated into the existing landscape of*

*the City, promote local distinctiveness and to contribute positively to the townscape. It also fails to comply with Chapter 12, and in particular Paragraph 130c, of the Framework, which require high quality design that is sympathetic to local character and landscape setting. Lastly, it fails to comply with Paragraph 174ab of the Framework which recognises the intrinsic character and beauty of the countryside and protects valued landscapes.*

21. As shown above, the Inspector acknowledged that the scheme fails to accord with CS policy CP16, LP policies CS1 and DG1 and the NPPF. However, these policies do not completely exclude development, but ensure that the level of harm is fully considered to make a balanced decision as to whether it is within acceptable levels with appropriate mitigation. The Inspector considered that there was harm to the landscape setting, but that it was limited and mitigation secured via condition would help to reduce this further.
22. As there has been no change to the landscape considerations between the appeal scheme and this proposal a clear precedent of acceptability has been set and it would not be reasonable to refuse the application solely on those grounds.

#### Loss of Open Space

23. The site is privately owned, but this is different to saying whether the site is public or private in planning terms, with lots of privately owned land still being publicly accessible.
24. Representations from the public have had contradictory positions on the accessibility of the site, however it can be concluded that for a long period the site has been accessible to the public and that since 2021 temporary barriers have been used to restrict access in some areas. This is supported by site visits and an aerial view from 1999 on the Council's database which shows access from Pendragon Road with footpaths around the edge of the fields.
25. It should be noted that open space is not defined as being 'private' or 'public' space, but by the functions it can provide.
26. The definition of open space stated on page 73 of the NPPF 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.”*
27. 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).

28. This policy is considered broadly consistent with the NPPF and is therefore up-to-date and relevant.

29. NPPF Paragraph 103 states that:

*“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.”*

30. In terms of the criteria required under LP saved policy L3, a), character, is not reflected in paragraph 103 of the NPPF, so is therefore not up-to-date, however it is covered by the discussion under the landscape setting section set out in this report. In terms of b), role of open space, 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 paragraph 103 a). In terms of c), this is unknown as the Council does not have an up-to-date Open Space Audit; This aspect is consistent with NPPF 103 a). As the proposal cannot satisfy a) – c) of saved policy L3, it must therefore meet d), which is consistent with NPPF para 103 b, – whether replacement open space can be provided in a suitable location.

31. The applicant has offered provision of on-site public open space and green infrastructure, the creation of accessible public open space to the immediate north of the site and off-site contribution towards the play area and MUGA on Pendragon Road as part of a S106 agreement.

32. Policy DG5 requires a 10% gross development area to be level open space and it has been demonstrated that this can be provided in the reduced site area with full details of this dealt with at Reserved Matters.

However, this is not the only relevant policy in this instance, with LP saved policy L3 requiring replacement open space to that lost to development of at least equivalent recreational, community, ecological or amenity value.

This is alongside NPPF paragraph 103 which requires replacement open space of equivalent or better provision in terms of quantity and quality.

The built area shown on the illustrative layout is approximately 25,667 sq m (2.57ha). As can be seen the public open space offered is smaller than the area that would be lost to built development.

33. Paragraph 5.2.1 of the submitted Ecological Impact Assessment (EIA) 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.*'

34. The EIA continues in paragraph 5.2.2, stating that *'New scrub planting will be included on 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.'* It should be noted that this is a reduction on that proposed under 21/0020/OUT which included planting in the northern area of the site. This proposed planting is also considered likely to reduce some of the area that is publicly accessible.

35. In the Inspector's decision letter for 21/0020/OUT it was set out that the fields are relatively overgrown and *'the value of the space appears to be largely for walking using the informal footpaths, rather than sports or other recreation use. Evidence was submitted at the hearing that this situation is long lived and has been the character of the site for at least 40 years.'*

36. The Inspector continued to note that:

*'The proposal would remove the informal footpaths. However, it would replace this with fairly extensive areas of landscaped and managed open space, including a play area. The provision of this and the ongoing management is secured through the UU and could be further controlled by condition discharge and reserved matters submissions. This would be formally publicly accessible and the amount of useable open space would increase from as existing. The variety of potential uses would be increased by the provision of the play area and managed open areas. I acknowledge that some of the open space would be used for ecological enhancements and drainage infrastructure. However, significant areas of useable open space would remain because of the relatively large extent of the appeal site and the immediately adjacent appellant's land that would be set aside for this use. Importantly, it is clear that more than the 10% of the site area that is required by Policy DG5 of the LPFR would be set aside for open space and recreation.'*



*Although more useable for a wider range of activities, the replacement open space would be more managed and in a less tranquil and rural setting because of the proposed surrounding built form. However, the CWSs to either side of the appeal site provide substantial and pleasant areas of rural and tranquil open space for use by existing nearby residents. I therefore place limited weight on this consideration.'*

37. The Inspector concluded that the site is an established and well used open space, despite the land being in private ownership. However, *'the proposal would replace, and in fact enhance, the quality and useability of the open space on the site and on the adjacent appellant's land. It would also secure this for the future through the UU whereas the existing use is informal and could cease at any point. The principle of redeveloping the site is therefore acceptable and the proposal complies with Policy L3 of the LPFR and Paragraph 99 of the Framework, both of which require the replacement of lost open space with open space of at least equivalent overall quality and value.'*
38. Whilst the open space to the north of the site is not included within the red-line of this application, in contrast to the appealed scheme, this area will still be secured as public open space.
39. There is therefore no significant alteration to the open space matters considered by the Inspector at appeal and a precedent of acceptability has been set. It is concluded that the open space impacts are acceptable in accordance with those previous approved and it would not be reasonable to refuse the scheme on these matters.

#### Access and Impact on Local Highways

40. Devon County Council as Local Highway Authority have not raised any in-principle objections to this proposal. A Stage 1 Road Safety Audit was submitted with the application and it demonstrated that the proposed access points are suitable for the development and that there is suitable capacity on the surrounding road network to accommodate the increase in vehicle movements. In terms of pedestrian/cycle access, this will utilise the same points as motor vehicles as well as a separate access in the centre of the southern boundary, adjacent to a bus stop on Pendragon Road.
41. To mitigate the impact of traffic generated by the proposed development on Beacon Lane, a financial contribution of £395,000 is required towards the mitigation measures in the Pinhoe Area Access Strategy. This will be secured through a S106 legal agreement.

#### Affordable Housing

42. To be policy compliance, Affordable Housing would need to be a minimum level of 35%, with the development proposing a level of 50%.

43. 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.
44. Subject to agreeing the tenure split, taking into account Exeter City Council First Homes Planning Policy Statement (June 2021), the provision of this high level of affordable housing would be acceptable.
45. The increase in affordable housing above the level required by policy CP7 is a significant sustainability benefit of the scheme and is welcomed to support policy targets for affordable housing delivery across the city. The affordable housing provision will be secured in a S106 legal agreement.

### Design

46. 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.
47. This is similar to the existing housing to the south, with 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.
48. 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, exceeds this, 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 likely be able to comply with this policy and would be subject to a condition requiring demonstration of 10% level open space at Reserved Matters.
49. The analysis above demonstrates that the proposed number of dwellings is realistic for the site. In line with the appeal decision it is considered that should approval be granted a condition be placed on the decision notice ensuring buffers are provided between the development and the tree'd hedgebanks/hedgerows around and in the site. This will ensure that the higher parts of the site are kept free from development and provide protection for ecological elements. 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.

50. The overall design of the site itself will be a matter for the Reserved Matters, with only access approved at this time, and is considered to be acceptable through the use of conditions to secure protection of important features.

#### Impact on Biodiversity

51. 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).
52. The southern part of the site and the tree'd hedgebank were originally thought to form part of a SNCI, however it has been confirmed that this has been removed. Regardless of this removal. the site forms part of a wildlife corridor between Mincinglake County Wildlife Site to the west and Savoy Hill County Wildlife Site to the east.
53. The development will see dwellings, lighting, roads and other infrastructure, and landscaped open space which will result in the loss of most of the grassland as well as parts of the southern hedgerow to create access points.
54. 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.
55. 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.
56. The Council's Tree Manager considers the removals regrettable, but acceptable subject to a significantly robust tree planting scheme and this would be required via condition.
57. At the hearing for the appealed scheme it was confirmed with the ECC Ecologist that suitable mitigation measures can be secured via condition which would limit the harm caused including the requirement for a dormice license, buffer zones to hedgerow, translocation of species, control of lighting and provision of bird and bat boxes.

58. Of particular importance at the appeal hearing was an agreement to create a new wildlife corridor along the northern boundary of the site, between the development site and the new public open space, which would replace the function of that lost by the works to the southern hedgerow.
59. In addition it was agreed that infrastructure and development will be set away from hedges and root protection areas of the retained trees. Whilst these matters are Reserved Matter considerations of layout, the protection of them can be secured via condition at Outline stage. This was secured on the appeal decision and is recommended to be secured as part of any approval of this application.
60. It was noted that a biodiversity net gain (BNG) will be achieved on site. This application was submitted prior to the mandatory 10% BNG and it does not apply retrospectively to live applications. As such, the biodiversity net gain proposed is considered to be acceptable.

#### Contaminated Land

61. 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 a full contaminated land condition to ensure suitable assessment and remediation as required, as well as a condition relating to the handling of any unsuspected contamination found. With the use of these conditions the risks are considered to be acceptable.

#### Archaeology

62. 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.

#### Impact on Air Quality

63. An Air Quality Assessment was submitted with the application and notes that the site is not within, or in close proximity to, an Air Quality Management Area.

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 mgNOx/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

64. The assessment also recommends dust mitigation during the construction stage. The standard condition for a Construction Method Statement should be added if the application is approved accordingly.
65. The Councils' Environmental Health team raised no objections to the proposal and advised that overall the proposal would not harm air quality and therefore does not conflict with policies CP11 or EN3.

#### Flood Risk and Surface Water Management

66. 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.
67. Policy CP12 requires all development proposals to mitigate against flood risk utilising SuDS where feasible and practical. The 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 (LLFA), subject to a pre-commencement condition for soakaway testing and a detailed drainage design, along with other matters.
68. It was noted by the LLFA that the south-west corner showed a shared cycle/pedestrian route over a drainage basin. The submitted layout is indicative and it is considered that this can be resolved at Reserved Matters as part of the site layout.

#### Sustainable Construction and Energy Conservation

69. 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.

70. 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.
71. 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.

### Housing Land Supply

72. Since the appeal decision letter a new NPPF was published in December 2023. Whilst the majority of changes within it are of limited consequence to this proposal there is a significant alteration to the Council's housing land supply requirements and associated impacts on planning decisions.
73. Previously the Council was required by the NPPF to demonstrate a five-year housing supply and this could not be met.
74. Paragraph 226 of the revised NPPF states that where a local planning authority has '*an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need*' then only a four-year housing supply requirement is required.
75. The Council is currently at Regulation 18 stage of the emerging Exeter Plan and is now subject to the four-year housing supply requirement and can demonstrate that this is being met, with a current supply of just under 5 years and 1 month.
76. Paragraph 11 of the NPPF states the tilted balance in favour of development comes into effect if the relevant housing supply requirement cannot be demonstrated. This tilted balance was in effect under the consideration of the previous application and subsequent appeal. In terms of the appeal application this meant that permission should be granted unless 'the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.
77. As the Council can currently demonstrate the required four-year housing supply the tilted balance is therefore no-longer in effect.

## CIL/S106

78. The proposed development is CIL liable, as it is for residential development. The rate for permission granted in 2024 is £136.07 per sqm. 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.
79. The contributions are proportional and reasonable and meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended) and Paragraph 57 of the NPPF (December 2023)
80. 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).
  - 10% Public open space.
  - Management company to manage/maintain public open space on the site.
  - £395,000 toward mitigation measures in Pinhoe Area Access Strategy 2019 Addendum.
  - Up to £5,000 for Traffic Regulation Order.
  - £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.
  - £624.83 per dwelling 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.
  - £1,035.23 per Affordable Housing dwelling for mitigation measures due to recreational impacts to the Exe Estuary SPA.
  - £547.20 per dwelling for improvement and provision of patient space at Whipton Surgery, Mount Pleasant Health Centre, Pinhoe and Broadclyst Surgery and/or ISCA Medical Practices.

## Planning Balance and Conclusion

81. As set out in Section 11 of this assessment, the tilted balance in favour of sustainable development that applied to the appeal decision is no longer in effect as the Council can now demonstrate the appropriate housing supply requirement.

82. However, the appeal decision is still of relevance in the balancing of considerations with the Inspector setting clear precedents of acceptability on aspects of the scheme that have been unchanged in this revision.

83. Paragraphs 40 and 41 of the the appeal decision are of particular significance:

*40. In the case of the appeal, there would be limited harm to the character and appearance of the area. The Vision for development set out in the CS seeks to deliver housing growth whilst safeguarding the hills to the north of the City. Policy H1 of the LPFR sets out a sequential approach to housing development which complements the vision of the CS, with previously-developed land being sequentially preferable to greenfield land. However, it does not preclude development of greenfield land. In addition, the emerging Local Plan does not allocate the appeal site or any other comparable greenfield sites to the north of the City. It is therefore clear that development of fields to the north of the City, such as those that form the appeal site, does not fall within the overall strategy of the adopted Development Plan. The proposal would, therefore, conflict with the Development Plan, when read as a whole.*

*41. However, the Framework is an important material consideration. The Council cannot demonstrate a five year supply of deliverable housing sites. There are no assets of particular importance that provide a clear reason for refusing the development proposed. Therefore, as directed by Paragraph 11d and Footnote 8 of the Framework, the 'tilted balance' is engaged. I place very substantial weight on some of the proposed affordable housing and substantial weight on the remainder of the proposed housing. The BNG, public open space, employment, and highway safety improvements also all weigh in support of the proposal. The adverse effects of the proposal are limited and relate only to character and appearance and even there the harm would largely fall on the site itself and not to the wider tranquillity and rural nature of the fields to the north of Exeter. These would not, therefore, significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Planning permission should therefore be granted.*

84. As demonstrated within the appeal decision this proposal would not sit within the principles of the CS and LP due to conflict with the protection of the northern hills and sequential preference for brownfield development over greenfield.

85. However, the Inspector considered in paragraph 23 of their decision letter that the level of harm itself caused would be limited:

*There would be some harm to the character and appearance of the site itself, which would clearly lose its rural character and appearance. However, the appeal site, being set lower and heavily screened to all sides, is not prominent and this harm would therefore be limited. Importantly, as viewed from middle*



*and long distances, the locally distinctive rural and tranquil setting of Exeter would remain, particularly because the steeper fields and the ridgeline to the north would remain undisturbed. The proposal would therefore harm the character and appearance of the site and the wider landscape setting, but only to a limited degree.*

86. The Inspector confirmed in paragraph 38 of their decision that *'Because the effects would be relatively limited and largely restricted to the appeal site itself, rather than the wider landscape setting, I place moderate weight on this harm.'*

87. The benefits of the scheme are also stated in the Inspectors letter, with paragraphs 32 to 36 detailing these aspects:

*32. Policy CP7 of the CS requires 35% of housing to be affordable. The proposal is for 50% affordable housing provision, in excess of the policy requirement. It is common ground that there is a shortfall in the provision of affordable housing within the City. The appellant argues the shortfall is 1,469 homes, which is considered against a target of 35% of the overall housing need. The Council argues the shortfall is 746 homes, which is considered against a target of 35% of delivered homes. Neither adopted target is necessarily the true need for affordable housing in the City and I have not been provided with substantiated evidence regarding affordable housing need. However, it is clear that there is a significant shortfall in affordable housing delivery within the City. In this context, I place substantial weight on the policy compliant level of affordable housing, ie 35%, and very substantial weight on the proposed affordable housing above that level, ie 15%.*

*33. A Biodiversity Net Gain (BNG) of 10% is proposed. Given the extent of the appeal site and the appellant's land that is to be set aside for landscaping and open space and the limited proposed harm to existing biodiversity rich habitats such as the hedgerows, I see no reason why this could not be achieved. The detail could come forward as part of condition discharge and reserved matters submissions. A 10% BNG is above and beyond the policy requirement for 'a' net gain, as set out in Paragraph 174 of the Framework. I therefore place significant positive weight on the proposed BNG.*

*34. The proposal would create short term employment benefits from jobs created for construction. It would also create long term benefits from jobs created for the maintenance of the public open space, biodiversity and drainage works, and by the expenditure of future residents on local goods and services. In accordance with Paragraph 81 of the Framework, I place significant positive weight on this factor.*

*35. The proposed public open space and play area would be useable by existing local residents. It would formalise and broaden the existing recreational amenity value of the site. Contributions are also secured*

*towards upgrading the existing MUGA and play area along Pendragon Road. This provision therefore goes beyond mitigation and provision for future residents. I place moderate weight on these factors.*

*36. The extension of the 20mph zone would improve highway safety for existing users of the highway. I place limited weight on this factor.*

88. As there has been no significant change on these aspects it is considered that there is a precedent set on acceptability of the scheme in relation to them and the weight that should be given.
89. The fundamental change between this proposal and the appeal decision is the removal of the tilted balance in favour of development through the new NPPF. In paragraph 31 of the Inspector's decision they gave substantial weight to the provision of market housing through this scheme.
90. The quandary is therefore the level of weight to be given to the provision of housing and does it alter the Inspector's balance of the benefits and moderate landscape harm identified in their decision.
91. The provision of market housing will support the Council's housing supply in delivering windfall dwellings and is therefore still a positive consideration that must be given suitable positive weight. Whilst the location is not sequentially preferred in the CS and LP the level of harm has been identified as being limited to more local views, with the topography and screening of the surrounding area protection middle and long-distance views.
92. On balance and after careful consideration of the precedents set by the Inspector's decision and the changes to the NPPF it is considered that there is not suitable grounds for a refusal of this proposal. The identified benefits of the scheme would continue to outweigh the moderate harm being caused to the character and setting of the surrounding area and it is therefore recommended for approval.

#### **14.0 Recommendation**

DELEGATE to GRANT permission subject to completion of a S106 Agreement relating to matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

##### Conditions

1. Reserved Matters Submission  
Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.

2. Reserved Matters Time Limit

Application(s) for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

Reason: To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.

3. Commencement Time Limit

The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.

4. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved drawings:

- 719-001 Location Plan
- 20106-001 Rev C Highway Access
- 20106-002 Rev A Highway Long Sections
- 20106-003 Rev A Highway Cross Sections

Reason: To ensure compliance with the approved drawings.

5. Landscaping Reserved Matters

The landscaping reserved matter application shall include the following details:

- a) a full specification of all proposed tree and hedgerow planting. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting;
- b) details of soft landscape works, to include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and,
- c) details of buffer zones in relation to the existing east, west and north and central hedgerows, in general compliance with the Illustrative Layout Plan Ref SK020221DG Rev A and including minimising any works to trees forming the southern boundary of the site.

The works shall thereafter be implemented as approved.

Reason: To make sure that the mitigation is appropriate and suitable to ensure protection and enhancement of biodiversity features. These details are required pre-commencement as specified to ensure that appropriate mitigation

measures are implemented during the construction phases based on the current ecological condition of the site.

6. Lighting Strategy

The reserved matters application(s) shall include a Lighting Design Strategy to maintain 'dark areas' on the site. The Strategy shall include the following details:

- a) a plan indicating where 'dark areas' will be maintained;
- b) an assessment of light levels arising from the development (including from building, vehicles, street lighting and any other external lighting sources)
- c) plans annotated with isolines to show predicted illuminance and light spill in relation to the 'dark areas'; and,
- d) evidence to demonstrate light spillage arising from the development shall not exceed 0.5lux within 'dark areas' and be maintained in perpetuity.
- e) The Lighting Design Strategy shall thereafter be implemented and maintained as approved.

Reason: To ensure lighting is well designed to protect the amenities of the area and wildlife.

7. Surface Water Drainage

The reserved matters application(s) shall include details of the surface water drainage system. The details shall include:

- a) soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with Devon County Council's groundwater monitoring policy;
- b) a detailed drainage design based upon the approved Flood Risk Assessment 1550w0001 Rev P2, dated 21 September 2021, and the results of the information submitted in relation to (a) above;
- c) a Management and Maintenance Plan for the lifetime of the development, to include: the arrangements for adoption by the relevant public authority or statutory undertaker; and, any other arrangements to secure the operation of the scheme throughout its lifetime;
- d) the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and,
- e) confirmation that any attenuation basins installed will not encroach into the root protection area of the trees of the southern boundary.

Prior to first occupation of the development, the works associated with the surface water drainage system shall have been implemented in accordance with the approved details. The works shall thereafter be managed and maintained in accordance with the approved details.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS

for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

8. Electric Vehicle Charging

The reserved matters application(s) shall include details of the specification of the rapid charge electric vehicle charging points. Those details shall show locations of rapid charge points and demonstrate a provision of 1 per 10 spaces of unallocated parking and 1 per 10 dwellings with allocated parking (subject to network capacity). The rapid charge points shall be provided in accordance with the approved details prior to first occupation of the relevant part of the development and maintained (or subsequently upgraded) thereafter.

Reason: To encourage more sustainable mode of transport in accordance with saved policy T3 of the Exeter Local Plan First Review and the Sustainable Transport Supplementary Planning Document (March 2013).

9. Cycle Parking

The reserved matters application(s) shall include details of cycle parking. Those details shall demonstrate the cycle parking provision satisfies the design and minimum parking standards guidance set out in the Sustainable Transport SPD dated March 2013. The cycle parking provision shall be provided in accordance with the approved details prior to first occupation of the development and maintained thereafter.

Reason: To encourage cycling as a sustainable mode of transport in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport Supplementary Planning Document (March 2013).

10. Ecological Report

The reserved matters application(s) shall include an updated Ecological Report. The updated report shall be based on the submitted Ecological Impact Assessment dated March 2022 and Ecology Addendum dated March 2022, and shall include updated surveys and compensation and mitigation measures as required.

Reason: To make sure that the mitigation is appropriate and suitable to ensure protection and enhancement of biodiversity features. These details are required pre-commencement as specified to ensure that appropriate mitigation measures are implemented during the construction phases based on the current ecological condition of the site.

11. Ecological Mitigation and Enhancement Plan

The reserved matters application(s) shall include an Ecological Management and Enhancement Plan. The Plan shall include:

- a) the locations and specifications of bat and bird boxes, with a minimum overall average ratio of 1 built-in nest/roost site per dwelling, as well as, but not limited to, other enhancements as detailed within the Ecological Impact Assessment dated March 2022;
- b) full details of the long-term operational ecological management of the site, with reference to the landscape detail, that includes the management objectives, management prescriptions and a rolling 5-year schedule of works; and,
- c) full details of Biodiversity Net Gain (BNG) to secure a minimum 10% BNG that includes on-site habitats, and any off-site compensatory habitat creation if required.

The habitat and works secured by the scheme shall be functional within 12 months of commencement of development and be managed for a minimum of 30 years. The approved bat and bird boxes shall be installed prior to first occupation of the relevant dwellings.

Reason: To make sure that the mitigation is appropriate and suitable to ensure protection and enhancement of biodiversity features. These details are required pre-commencement as specified to ensure that appropriate mitigation measures are implemented.

## 12. Construction Method Statement

No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.

The Statement shall include:

- a) the provision of site accesses haul routes, parking of vehicles for site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant, materials or other equipment used in constructing the development;
- d) the erection and maintenance of security hoarding;
- e) the supply of water for damping down and wheel washing;
- f) wheel washing protocols and facilities;
- g) a timetable of dust generating activities and details of measures to control the emission of dust and dirt during construction (including prohibiting burning of any materials or vegetation on site);
- h) a Waste Audit Statement for recycling/disposing of waste resulting from demolition and construction works;
- i) measures to minimise noise/vibration disturbance to nearby residents from plant and machinery;
- j) delivery, site clearance, piling and construction working hours;
- k) detailed proposals for the management of surface water and silt run-off from the site during construction;
- l) air quality monitoring objectives and protocols, including site log book and procedures by which to notify the Environment and Safety Services Department of any air quality objectives being exceeded or other exceptional incidents; and,

- m) the name, role and contact details of the authorised personnel responsible on site for fulfilling the Strategy including the Air Quality Monitoring Log Book during the course of construction works.

The approved Strategy shall be adhered to throughout the construction period for the development.

### 13. Archaeological Works

No development shall take place until a Written Scheme of Investigation (WSI) with regard to archaeological work has been submitted to, and approved in writing by, the local planning authority. The WSI shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved WSI.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

### 14. Tree Protection and Arboricultural Method Statement

No development, including site vegetation clearance or works to trees or hedgerows on site, shall take place until a scheme for the protection of trees and hedgerows has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:

- a) a Tree Protection Plan showing the position of every tree or hedgerow on the site and on land adjacent to the site that could influence or be affected by the development, indicating which trees are to be removed, and any proposed pruning, felling or other work; and,
- b) an Arboricultural Method Statement in relation to every existing tree or hedgerow identified to be retained on the plan referred to in a) above, details of any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and, all appropriate tree or hedgerow protection measures required before and during the course of development in accordance with Paragraphs 5.5 and 6.1 of BS 5837 (or in an equivalent BS if replaced).

The vegetation clearance or works to trees or hedgerows shall subsequently be carried out in accordance with the approved details.

Reason: To ensure suitable protection for trees and hedgerows during the construction works.

### 15. Devon Hedge Bank

No development, including site vegetation clearance or works to trees or hedgerows on site, shall take place until details of a Devon Hedge Bank running east/west on land to the north of the site (shown as public open space

on the submitted Illustrative Layout Plan Ref SK020221DG Rev A) has been submitted to, and approved in writing by, the local planning authority. The hedge bank shall have a minimum buffer zone of 10 metres to the built area of the development. The approved hedge bank shall be installed prior to any works being undertaken to the existing southern hedgerow or trees, with planting occurring within the first planting season following commencement of works.

Reason: To provide mitigation for the works occurring to the southern hedgerow bank to provide a wildlife corridor and biodiversity enhancement.

#### 16. CEMP

No development, including site vegetation clearance or works to trees or hedgerows on site, shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall be prepared in accordance with clause 10 of BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of "biodiversity protection zones";
- c) Mitigation Method Statements, in accordance with the recommendations of the Ecological Management and Enhancement Plan submitted under Condition 11;
- d) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- e) the location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs;
- f) the times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken;
- g) responsible persons and lines of communication; and,
- h) the role and responsibilities on site of an Ecological Clerk of Works or similarly competent person.

The development shall thereafter be constructed in accordance with the approved CEMP.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby. This is required pre-commencement to ensure appropriate measures are in place prior to work commencing.

#### 17. Contamination

No development shall take place until a Contamination Risk Assessment has been submitted to, and approved in writing by, the local planning authority. The Assessment must be undertaken by a suitably qualified contaminated



land practitioner, in accordance with BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. Reason: To protect the health and amenity of residents and visitors. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

18. Contamination Remediation

In the event of there being evidence of contamination from the Assessment carried out under Condition 17, details of remedial works shall be submitted to, and approved in writing by, the local planning authority. Prior to first occupation of the development. the approved remedial works shall 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: To protect the health and amenity of residents and visitors

19. Unexpected Contamination

In the event of there being evidence of contamination as the development proceeds, the development shall cease pending the carrying out of an investigation of the extent and nature of contamination, the risks that it poses, together with the preparation of a Remediation Strategy, that shall be submitted to, and approved in writing by, the local planning authority. The development shall subsequently be carried out in accordance with the approved details. Reason: To protect the health and amenity of residents and visitors. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

20. External Lighting

No external lighting shall be installed on the site unless details of the lighting (including location, type and specification) have previously been submitted to, and approved in writing by, the local planning authority. The details shall demonstrate how the lighting has been designed to minimise impacts on living conditions and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall thereafter be installed in accordance with the approved details. Reason: To ensure lighting is well designed to protect the amenities of the area and wildlife.

21. Access Points

The development shall not be first occupied until the vehicular and pedestrian access points and junctions have been constructed in accordance with the approved details. The junctions and access points shall thereafter be retained.  
Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

22. Travel Plan

The development shall not be first occupied 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. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document.  
Reason: To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Supplementary Planning Document (March 2013).

23. Travel Pack

The relevant dwelling(s) shall not be first occupied until a travel pack has been provided informing the residents of walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate. The form and content of the travel pack shall have previously been submitted to, and approved in writing by, the local planning authority.  
Reason: To encourage travel by sustainable means, in accordance with saved policy T3 of the Exeter Local Plan First Review and the Supplementary Planning Document (March 2013).

24. Car Parking

The relevant dwelling(s) shall not be first occupied until the car parking for the dwelling and access thereto has been provided and made available for use. The car parking shall be maintained at all times thereafter and kept permanently available for the purpose of car parking.  
Reason: To ensure that adequate parking facilities are available for the traffic attracted to the site.

## **INFORMATIVES**

### Informative: Negotiated Approval

In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

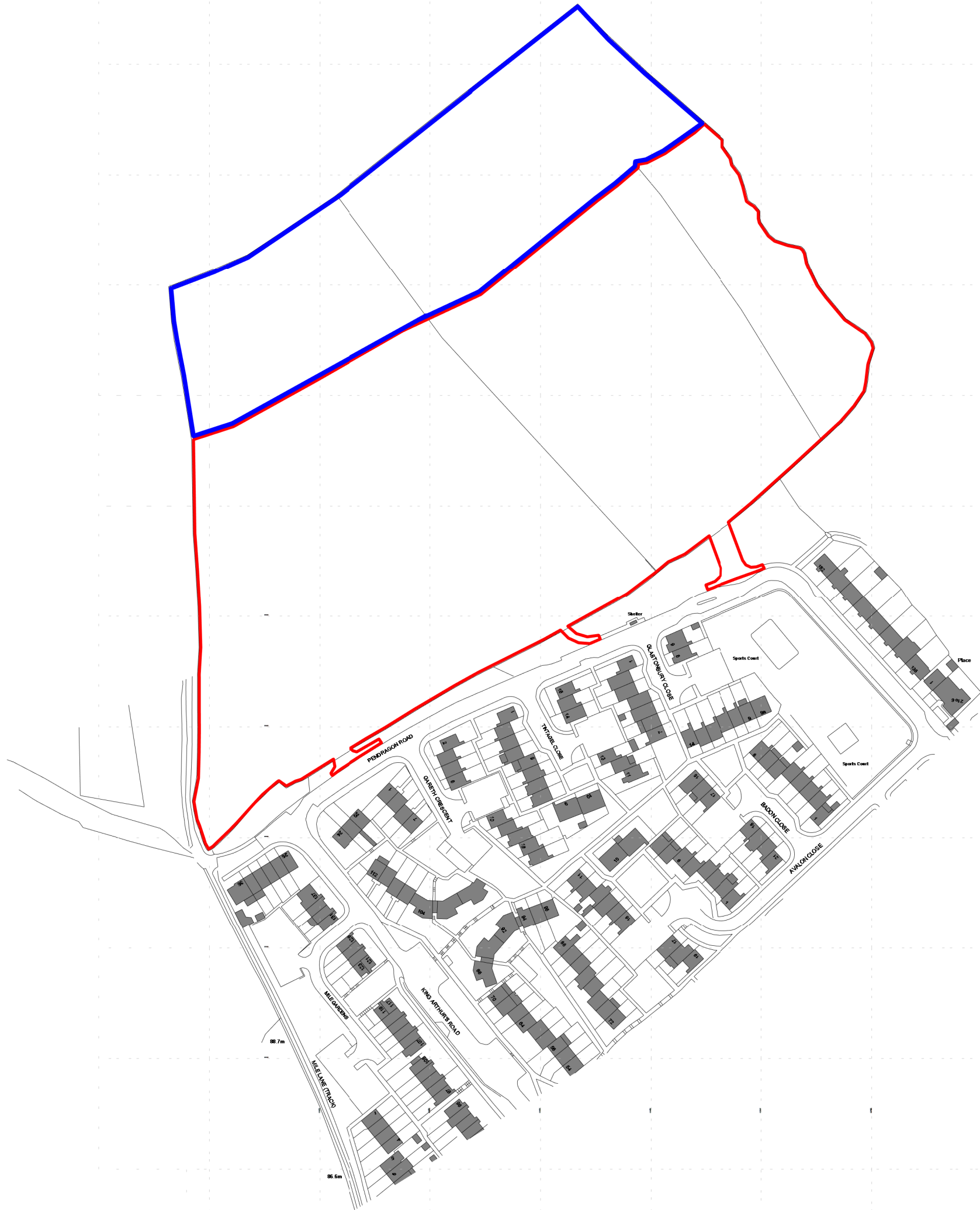
Informative: CIL

The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. The relevant forms should be submitted with each Reserved Matters application.

Informative: European Marine Sites

In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. 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 Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

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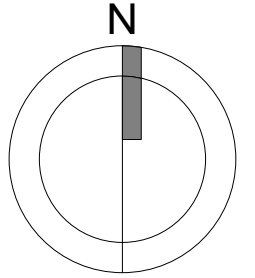


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REVISION DETAILS

rev	date	description	by
-	18.12.20	First issue	

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project  
 LAND OFF PENDRAGON ROAD  
 EXETER

drawing title  
 LOCATION PLAN

date	drawn	checked
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## Planning Committee Report 23/1380/OUT

### 1.0 Application information

<b>Number:</b>	<a href="#">23/1380/OUT</a>
<b>Applicant Name:</b>	Mr John Drake
<b>Proposal:</b>	Outline planning application for up to 85 dwellings (35% affordable), community hub and associated infrastructure (All matters reserved except access).
<b>Site Address:</b>	Land To The North Of Exeter Stoke Hill Exeter
<b>Registration Date:</b>	10 November 2023
<b>Link to Application:</b>	<a href="https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=23/1380/OUT">https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=23/1380/OUT</a>
<b>Case Officer:</b>	Mr Christopher Cummings
<b>Ward Member(s):</b>	Cllr Allcock, Cllr Pole, Cllr Williams

#### REASON APPLICATION IS GOING TO COMMITTEE

The Service Lead – City Development considers this 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

Refusal for the following reasons:

1. The proposed development would harm the character and local distinctiveness of the hills to the north of the city, and the landscape setting of the city. It would create a piecemeal urban development on a greenfield site in the designated Landscape Setting Area that would be visible from adjoining public spaces, and public and private routes and spaces within the wider urban area. It would appear incongruous and not in keeping with the rural character of the hillside and Mincinglake Valley Park. It is therefore contrary to Policy CP16 of the Exeter Core Strategy, the spatial element of saved Policy LS1 of the Local Plan First Review 1995-2011 and paragraphs 135c) and 180a) of the National Planning Policy Framework (December 2023).
2. The proposed development would see a reliance on private motor vehicles, due to the location of the site on the edge of the city, limited public transport, provision of community hub, and steep topography of the surrounding area, with an associated unacceptable increase to highway safety, contrary to Policy CP4 of the

Exeter Core Strategy and saved Policies T1, T2, T3, H2 and DG1 of the Local Plan First Review 1995-2011.

3. The proposal would create significant harm to biodiversity through habitat loss, impact on priority bat species, County Wildlife Sites and important wildlife corridors as a result of habitat loss and/or degradation from lighting, habitat removal and recreational pressure. The proposal is contrary to Policy CP16 of the Exeter Core Strategy, saved Policy LS4 of the Local Plan First Review 1995-2011 and paragraphs 180a)d) and 186 a)d) of the National Planning Policy Framework (December 2023).
4. The proposal would result in significant harm to a veteran oak tree (T1) on the site through incursion of built development into its root protection area contrary to Policy CP16 of the Exeter Core Strategy, saved Policy DG1 of the Local Plan First Review 1995-2011 and paragraphs 180 and 186 of the National Planning Policy Framework (December 2023).
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 provision
  - £1,1239.83 per Affordable Home unit to mitigate for recreational harm to the Exe Estuary Special Protection Area.
  - Provision of a LAP and LEAP on site and financial contribution towards an off-site MUGA.
  - £106,250 for improvements to Stoke Hill roundabout and the E3 cycle route.
  - £377 per dwelling for GP expansion of Mount Pleasant Health Centre, Isca Medical Practice, Southernhay House Surgery – The Branch Surgery or Whipton Surgery.
  - Management company to manage/maintain public open space on the sitethe proposal is contrary to Exeter Core Strategy Policies CP7, CP9, CP16 and CP18, Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Sustainable Transport Supplementary Planning Document 2013.

### **3.0 Reason for the recommendation:**

As set out in this report, there are significant, unacceptable areas of harm that will be produced by this proposal that outweigh the positives of delivering housing, affordable housing and employment to this area.

The site is within a Landscape Setting Area and has been assessed a number of times as to its suitability and the HELAA and landscape studies all concluded that it was not a suitable site for residential or employment development. This supports



existing and emerging development plan policies and demonstrates that the proposal is, in-principle, unacceptable for this location.

The layout of the site will see two separate parcels created, divided by a 'community hub' that is more akin to a retail destination, creating a division and lack of integration between the two aspects as well as an area that will be dominated by car parking for users of this building.

The development's location on the edge of the city in an area with steep topography, combined with limited public transport and the provision of the community hub facilities will see an overall reliance on private motor vehicles and will see an associated increase in risk to highway safety.

It has also not been demonstrated that there will not be significant harm to biodiversity through habitat loss, harm to bat species, County Wildlife Sites and important wildlife corridors through not only the on-site development but also enabling works such as footway provision on Stoke Hill.

In addition there will be significant harm to a veteran oak tree through incursion into its root protection area.

There have been two recent applications allowed at appeal to the east of Mincinglake Valley Park, however these were determined when the Council could not demonstrate a 5-year housing supply and the tilted balance was in effect. It is also of note that a number of appeals for housing have also been dismissed in a Landscape Setting Area, demonstrating that it is not a clear-cut acceptability of development even with the tilted balance. Following updates to the NPPF the Council can now demonstrate a 5 year 1 month housing land supply, against a requirement for 4 years, and the tilted balance no longer applies.

It is acknowledged that some aspects of the application may be resolvable, however due to the in-principle significant harm to the Landscape Setting Area and acceptance of a first set of revisions it is not considered appropriate to request further revisions or information as it will not change the significant harm being caused.

Whilst there are benefits to the scheme these are considerably and significantly outweighed by the harm caused and the proposal is therefore considered unacceptable and recommended for refusal.

**4.0 Table of key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The application site falls within the northern hills of Exeter and is within a Landscape Setting Area. The development framework seeks to steer development away from these

Issue	Conclusion
	<p>areas with a focus on brownfield land and sustainable urban extensions. The application site, nor any comparable green sites, are allocated within the adopted or emerging local plan and development would not fall within the overall strategy for development and is contrary to Local Plan policy H1 and Core Strategy policy CP1.</p> <p>Two Housing and Economic Land Availability Assessments (HELAA) and two landscape studies have concluded that the site is not suitable for development due to the location in a highly sensitive landscape that is highly prominent and forms the rural backcloth to the city. This supports the protection given in the Development Plan and that this is not a suitable location for development.</p> <p>Submitted documents make reference to recent allowed appeals at Pendragon Road and Spruce Close setting a precedent for development. Both of these appeals were allowed when the Council could not demonstrate a 5-year housing land supply and therefore the tilted balance in favour of sustainable development was in effect. The Council is now required to demonstrate a 4 year housing supply and can currently demonstrate a 5 year and 1 month supply meaning that the tilted balance is not in effect.</p> <p>These sites are also set in different context to this proposal, being more attached to the existing urban form and with good public transport links. It is therefore not considered that they set a precedent for the acceptability of this proposal. It is also of note that there have also been recent appeals in Landscape Setting Areas that have been dismissed, demonstrating the complex nature of development proposals in this area.</p> <p>The Council's Urban Design and Landscape (UD&amp;L) Officer objected to the proposal, noting that 'the site location is detrimental to the landscape setting of the city, relates poorly to the adjacent settlement form and is not a strong contribution to the 'rural edge' context of setting of Stoke Hill and its intrinsic character.'</p> <p>A new 'development line' was proposed in the Design and Access Statement in line with a 115m contour line and allowed appeals at Spruce Close and Pendragon Road. The</p>

Issue	Conclusion
	<p>existing and emerging Development Plan documents do not have or propose a 'development line' and this would create an unplanned urban extension into the protected northern hills, contrary to Local Plan saved policy H1 and Core Strategy policy CP1. This is also too simplistic an approach to take, with each site having different levels of visibility and features.</p> <p>The Planning Statement mentions that 'our client could provide a significant area of land to the east of Mile Lane' which could link up with other open space in the area. This has only been mentioned as a 'could' in this document and was not brought forward as part of the planning application and with no details of what it would actually involve. It is not considered that such a land provision would off-set the harm being generated by the incursion of this development into the northern hills.</p> <p>A Landscape Visual Impact Assessment was submitted, alongside a clarification document. This was considered by the ECC UD&amp;L Officer to demonstrate the significant impact from viewpoint 03 especially in relation to night time views and artificial illumination. It is also noted that there may be further impacts from within Mincinglake Valley Park, particularly at the Mile Lane side.</p> <p>It is also noted that the LVIA does not include any viewpoints from the residential area to the south-west of the site. This is noted in the LVIA as having high areas of potential visibility and have views of the site including the barn and the surrounding grassland.</p> <p>The proposed development would harm the character and local distinctiveness of the hills to the north of the city, and the landscape setting of the city. It would create an urban development on a greenfield site in the designated Landscape Setting Area that would be visible from adjoining public spaces, and public and private routes and spaces within the wider urban area, and would appear incongruous and not in keeping with the rural character of the hillside and Mincinglake Valley Park. It is therefore contrary to Core Strategy policy CP16 of the Exeter Core Strategy, the spatial element of Local Plan First Review 1995-2011 saved Policy</p>

Issue	Conclusion
	<p>LS1 and National Planning Policy Framework (December 2023) paragraphs 135c) and 180a).</p>
<p>Environmental Impact Assessment</p>	<p>The previous application was subject to screening which concluded that an Environmental Statement was required. That application was for 150 dwellings, community hub, access and associated infrastructure.</p> <p>This application is for a smaller overall site area and 85 dwellings, community hub, access and associated infrastructure and to ensure consistency was again screened.</p> <p>The screening concluded that whilst the proposal fell within Schedule 3, column 1, 1(b) being an urban development project it did not meet the criteria of column 2, being under 150 dwellings and a site area of less than 5 hectares.</p> <p>The EIA Regulations and guidance state that a project that is listed within Schedule 2 column 1 but does not exceed the thresholds and criteria set out in column 2 are not considered to be Schedule 2 development and do not need to be EIA screened under the requirements of Schedule 3.</p> <p>The proposal is therefore not EIA development and an Environmental Statement is not required.</p>
<p>Quantum of Development</p>	<p>Policies require the best use of land by maximising development where possible without detriment to local amenity, heritage assets and the character and quality of the local environment.</p> <p>This application proposes 85 dwellings and community hub on a 4.88ha site, creating a gross density level of 17.4 dph.</p> <p>A community hub is stated on the application description with the indicative site plan showing a potential farm shop, offices, restaurant and community shop, however this is not set out in detail in any other document and the make-up of uses would therefore not be secured at Outline stage.</p> <p>It is considered that generally this would be suitable to resolve at Reserved Matters stage, with a requirement for sequential tests to be submitted to protect district and local centres, provided that the use of the building for some form of public/commercial aspect is acceptable at Outline.</p>

Issue	Conclusion
	<p>It is considered that a community hub in this location would likely generate unacceptable highway movements to and from the site on a narrow road on the edge of the city. This will be assessed fully in the 'Access and Highway Matters' section of this report.</p>
Design Considerations	<p>It is acknowledged that layout and design are Reserved Matters, however comments on the illustrative design were received from the Council's Urban Design and Landscape Officer.</p> <p>The barn is proposed to be a community hub building and will create a split between the two developable areas of the site, sitting in-between them. This building is of a considerable size and unlikely to be entirely for community use, with indicative proposals showing it as a retail attraction. Such uses would require substantial vehicle parking, and would likely be closed in the evenings creating a central element that does not integrate with the proposed residential units and creates a division of mostly unusable space between the two areas and an overall poor-quality development.</p> <p>It is not considered possible to refuse this Outline application on these grounds, however they will need to be addressed at Reserved Matters to ensure a suitable layout can be provided.</p>
Access and Highway	<p>Vehicular access is proposed via the existing entrance on Stoke Hill. A pedestrian access is proposed in the south-west corner onto the sharp bend on Stoke Hill with a new footpath installed on Stoke Hill leading past the entrance to Mincinglake Valley Park and all the way up to join Mincinglake Road to the south.</p> <p>The submitted Transport Assessment (TA) shows trip levels based on a central avenue near Beacon Lane. Following objections from the Local Highway Authority (LHA) that this was not a suitable example to use, a Technical Note was submitted using St Bridgets Nursery as an example. This was again not considered to be an appropriate example with it being in relatively close proximity to bus services, a Tesco superstore and Rydon Lane retail park as well as good walking/cycling route connections.</p>

Issue	Conclusion
	<p>The TA also does not appear to include vehicle movements for visitors to the community hub building. Whilst it states that provision of facilities will reduce vehicle movements from occupants within the site it does not take into account that a sequential test will be needed for any town centre appropriate uses and there is a likelihood that occupants will still need to travel to local/district centres to access facilities. In addition the TA does not take into account trip movements for those visiting the site, e.g. to visit the farm shop, office, community hub or restaurant shown on the indicative site plan and there would be vehicle movements that need to be taken into account to ensure the access is safe.</p> <p>A Road Safety Audit (RSA) was submitted and noted that all problems could be 'addressed at Reserved Matters stage in the usual manner'. Whilst this is applicable for issues such as tree trimming and signage provision RSA ref 5 identified a 'risk of head-on or side-impact collisions due to the narrower carriageway widths post-construction of the proposed footway extents'. Following an objection from the LHA a swept path analysis was submitted. This is currently under assessment by the LHA and their comments will be provided prior to the Committee meeting.</p> <p>Vehicular access is from Stoke Hill, approximately halfway up the western site boundary, utilising the existing access point. Suitable visibility has been demonstrated for vehicular movements and is considered to be acceptable in relation to highway matters.</p> <p>Pedestrian and cycle access is proposed in the south-west of the site. This originally consisted solely of steps within the site, however following objections on accessibility grounds this was amended to provide a step-free route through the site with a gradient no greater than 1:10. This aspect is still under consideration by the LHA and an update will be provided prior to the Planning Committee.</p> <p>A footpath is proposed running along Stoke Hill to connect with Mincinglake Road. There is an area of unregistered land between the existing public highway and the application site and this would need to be secured as Highway Maintainable at Public Expense (HMPE) via Section 228 of the Highways Act. This connection is vital to ensure safe pedestrian access</p>

Issue	Conclusion
	<p>can be provided to the site and it is recommended that this be secured via condition prior to any Reserved Matters submission, with delivery of the footpath prior to first occupation/use of the site.</p> <p>It is proposed to provide a bus stop within the site. There is not an existing bus route and the location is detached from surrounding housing developments and will have a relatively low number of bus users due to the number of dwellings proposed. It is considered that it is overly likely that such a bus route would not be deliverable for this scheme.</p> <p>The LHA advised that if the proposal was to be approved there would be a significant impact on the Stoke Hill roundabout, and that cycle links to the site would need to be improved. Financial mitigation for improvements to this was requested for £106,250 for improvements to the roundabout and the E3 cycle route. In addition, car club and bike hire facilities are proposed and these would be secured via a S106 agreement to ensure financial payment or delivery of said schemes.</p> <p>The proposal, by virtue of its location on the edge of the city, steep topography and provision of community hub will see a significant reliance on private motor vehicle uses, creating an associated unacceptable increase in highway safety issues contrary to Local Plan saved policies T1, T2, T3, H2 and DG1 Core Strategy policy CP4.</p>
Ecology and Biodiversity	<p>The site is located immediately adjacent to Mincinglake Plantation County Wildlife Site to the east and Lower Covert County Wildlife Site to the west. It is also within the North Exeter Wooded Hills and Meadows Habitat Reservoir.</p> <p>The submitted information identified a veteran oak tree in good condition by the vehicular entrance, however there are proposed to be works within the root protection area of this tree. Whilst parts of the development can utilise a no-dig cellular confinement system the vehicular highway would need to be a hard impermeable surface to meet Devon County Council adoption requirements. This raised objections to the harm to the tree from the Council's Tree Officer as the proposal could lead to a decline in the tree and air and soil pollution of the soil surrounding it. The harm to this tree is considered significant and contrary to Core Strategy policy</p>

Issue	Conclusion
	<p data-bbox="610 239 1487 310">CP16, Local Plan First Review saved Policy DG1 and NPPF paragraphs 180 and 186.</p> <p data-bbox="610 359 1471 720">The submitted ecological survey data was queried by the ECC Ecologist and Devon Wildlife Trust as certain aspects would be three years old this coming season. Whilst the baseline is largely unchanged there is additional survey work required in relation to common pipistrelle and lesser horseshoe bats which had roosts recorded on site. It was noted that updates to the dormice, reptile and bat activities could be secured through condition for submission at Reserved Matters, however bat roosting needed to be updated in relation to this Outline stage.</p> <p data-bbox="610 768 1463 1020">Significant concerns were raised in relation to light levels, both on-site and the impact of streetlight serving the footway on Stoke Hill, which abuts the Lower Court County Wildlife Site and is a suitable habitat for Annex II bats. A Lighting Impact Assessment and additional bat surveys are therefore required to understand the impacts of the proposal and level of harm.</p> <p data-bbox="610 1073 1468 1255">A Phase 2 Habitat Survey is required to understand the significance of the impact on biodiversity in line with NPPF paragraph 186. This is currently being undertaken, however due to the in-principle refusal reasons for this application it is not considered necessary to wait for it to be completed.</p> <p data-bbox="610 1304 1484 1409">The ECC Ecologist requested an Ecological Mitigation and Enhancement Plan as part of their original response. This has not been submitted as part of the revised information.</p> <p data-bbox="610 1461 1468 1751">The proposal shows a 43.7% biodiversity loss on site. Whilst the site is not subject to the mandatory 10% biodiversity net gain, being submitted prior to that, it is still required to demonstrate that a net gain can be achieved. Submitted documents state that land to the north-west can be used to accommodate this, but no details of this have been supplied or confirmation on the proposed use of the land and whether any proposed gains in this area would be suitable.</p> <p data-bbox="610 1797 1471 1862">Overall it is considered that there will be a significant harm to biodiversity from habitat loss with additional habitat surveys</p>



Issue	Conclusion
	<p>required to establish if a priority grassland habitat is present and what mitigation and enhancement is required. There is also insufficient information to determine if there will be significant harm to priority bat species, County Wildlife Sites and important wildlife corridors through the habitat loss and degradation from lighting, habitat removal and recreational pressure.</p> <p>The proposal is therefore contrary to Local Plan saved policy LS4, Core Strategy policy CP16 and NPPF paragraphs 180a) and d) and paragraph 186 a) and d).</p>
Contamination	<p>A Phase 1 desktop assessment was submitted which stated that past/present land uses may see localised areas of contamination and that an intrusive Phase 2 investigation be undertaken.</p> <p>The Council's Environmental Health Team raised no objection subject to a condition requiring the Phase 2 Investigation to be undertaken and submitted at Reserved Matters or prior to commencement.</p>
Archaeology	<p>The site is not within an Area of Archaeological Importance, however there are two Scheduled Ancient Monuments to the north-west consisting of a Signing Station and a Hill Fort. It is therefore considered appropriate for a pre-commencement condition for a Written Scheme of Investigation to be placed on the decision notice to ensure any deposits are fully assessed.</p>
Air Quality	<p>Due to the Highway comments about trip generation it is not possible to agree the Air Quality Assessment. It is recommended that a pre-commencement condition be placed on any approval requiring an Air Quality Assessment including any mitigation as necessary.</p>
Drainage	<p>The site is within Flood Zone 1 and not within an area at risk of coastal or fluvial flooding. There are two catchment areas, the first in the north-east served by an attenuation basin linking to an existing watercourse and the second covering the southern and western edge served by a series of attenuation basins linking to a watercourse.</p> <p>Following submission of additional information the Lead Local Flood Authority raised no objections to this drainage scheme, subject to detailed information being submitted at Reserved Matters stage.</p>

Issue	Conclusion
	<p>The submitted Drainage Strategy advises that there are no South West Water foul water sewers on the site or in the immediate vicinity. A pump station will therefore be required to facilitate foul waste flow, which will require a main and gravity sewer connecting to an existing combination sewer located in Galampton Rise, 160 metres to the south-west of the site.</p>
<p>Amenity Impacts</p>	<p>The site is clearly separated from nearby residential development, with the closest dwelling being 37 metres north of the site boundary. Whilst the final layout will be dealt with at Reserved Matters it is not considered that there will be any significant amenity impacts generated to nearby dwellings or for future occupants.</p> <p>There are likely to be impacts on the amenity of users of Mincinglake Valley Park, in terms of noise and visual amenity, impacting its tranquillity.</p>
<p>Green Space and Play</p>	<p>As the layout is not being secured at Outline stage the 10% open space requirement required by saved policy DG 5 must be secured via condition and proven to be delivered at the Reserved Matters stage.</p> <p>The Green Space team requested a LAP and a LEAP to be delivered on-site for younger children and a contribution towards an off-site MUGA for older children and teens.</p> <p>With the use of a legal agreement and conditions to secure delivery the proposal is considered acceptable with regard to green space and play matters.</p>
<p>Energy and Waste</p>	<p>Matters relating to low-carbon development and use of renewable energy sources are not known at this stage due to the detailed design being dealt with at Reserved Matters stage. It is therefore acceptable subject to conditions requiring this information to be submitted at that stage.</p>
<p>Housing Supply and Affordable Housing</p>	<p>Regardless of any other considerations the proposal will provide up to 85 dwellings, including a policy compliant 35% Affordable Housing and this must be considered a benefit of the scheme.</p> <p>However due to recent changes in NPPF housing land supply requirements for an LPA undertaking a new local plan the Council can now demonstrate a suitable supply and the tilted</p>

Issue	Conclusion
	<p>balance in favour of sustainable development is no longer in effect.</p> <p>Recent allowed appeals at Pendragon Road and Spruce Close were referenced by the applicant as setting precedents for acceptability, however these were under the tilted balance which would need significant adverse impacts in order to be able to refuse them. It is therefore considered that as this position has now changed they do not set a precedent of acceptability for development in this area.</p> <p>The provision of housing and Affordable Housing is a positive benefit of the scheme, however the weight to be given to this is considered moderate as the Council can demonstrate a housing land supply of just under 5 years and 1 month against a 4 year requirement.</p>
Planning Obligations	<p>The following planning obligations have been requested:</p> <ul style="list-style-type: none"> <li>- £377 per dwelling by the NHS Integrated Care Board for expansion of Mount Pleasant Health Centre, Isca Medical Practice, Southernhay House Surgery – The Branch Surgery or Whipton Surgery.</li> <li>- £106,250 by DCC Highways for improvements to Stoke Hill roundabout and the E3 cycle route.</li> <li>- Provision of play spaces consisting of a LAP and a LEAP and financial contribution towards a MUGA was requested by the ECC Public and Greenspace team.</li> <li>- 35% Affordable Housing provision in line with SPD and First Homes Policy Statement.</li> <li>- Habitat Mitigation of £1,239.83 per residential unit for each Affordable Housing Unit to mitigate for recreational harm to the Exe Estuary SPA.</li> <li>- Management company to manage/maintain public open space on the site.</li> </ul> <p>These should be secured in a s106 legal agreement should the application be approved.</p>
Other Matters	<p>Objections made reference to the existing agricultural barn and whether it was allowed to change the use. The General Permitted Development Order permits alternative uses provided the Local Planning Authority have agreed the change in writing. This application is considered to be the request for the alternative use and therefore there has been no breach to the original approval.</p>

Issue	Conclusion

## 5.0 Description of site

The application site is a 4.88 hectare parcel of existing agricultural land located in the northern slopes surrounding Exeter.

The site is bordered by Stoke Hill to the west and agricultural land to the northeast. To the south and east lies the Mincinglake Valley Park (the north of which is a County Wildlife Site). To the north is agricultural land and a handful of dwellings.

The site is north of Exeter’s built up area, sitting adjacent to rural parkland on the outskirts of the city. Due to the topography of the area parts of the site are visible from both local and longer distance views.

The site slopes downwards north to south-east at a gradient of 1:10 and 1:5 and is primarily bordered by existing trees and hedgerow on all sides. There is an existing vehicular entrance on the western boundary onto Stoke Hill towards the highest point of the land. There is an additional entrance point on the south-west corner, adjacent to the bend in the Stoke Hill public highway, however this is currently overgrown and inaccessible. On the site is an existing single storage barn related to the agricultural land use.

Four County Wildlife Sites lie in the surrounding area, consisting of Mincinglake Plantation, Lower Covert, Savoy Hill and Lower Rolleston. Stoke Woods Site of Special Scientific Interest (SSSI) lies approximately 1km north of the site. The site is in Flood Zone 1.

## 6.0 Description of development

Outline planning application for up to 85 dwellings (35% affordable), community hub and associated infrastructure (All matters reserved except access).

The proposed vehicular access point is in a similar position to the existing access point, on the western boundary with Stoke Hill, towards the highest point of the site. A pedestrian access point is proposed on the south-west corner of the site onto Stoke Hill, adjacent to the bend in the road. It is proposed to install a footway along Stoke Hill to the south leading to a connection with Mincinglake Road.

The existing barn is proposed to be repurposed as a community hub, with indicative drawings showing a farm shop, café and office space within the centre of site.

## 7.0 Supporting information provided by applicant

At submission:

- Arboricultural Impact Assessment (04 October 2023)
- Flood Risk Assessment 6383.FRA Issue 03 (September 2023)
- Phase 1: Preliminary Geotechnical and Contamination Assessment Report CG/SR/20311/PGCAR (October 2023)
- Landscape and Visual Impact Assessment R003\_2222
- Air Quality Constraints Note APS\_P1215A\_A1-1 (25 January 2024)
- Sustainability/Net Zero/Carbon Reduction Statement MLPD-17020 (January 2024)
- Waste Audit Statement MLPD-17020 (January 2024)
- Statement of Consultation (October 2023)
- Planning Statement (October 2023)
- CBR Testing Letter CG/SR/20311/LR/01A (26 October 2023)
- Soakaway Test Report CG/SR/20311/STR (October 2023)
- Design and Access Statement 230303-R-02-01 (October 2023)
- Transport Assessment 6383/2023/TA Issue 01 (September 2023)
- Historic Environment Assessment ACD2356/1/1 (October 2023)
- Ecological Impact Assessment (October 2023)

Additional Information Submitted During Application:

- Ecological Impact Assessment Technical Note – April 2024
- Air Quality Report COGAN\_P1011A\_A1 (28 March 2024)
- Response regarding impacts on Tree 1 Veteran Oak (18 April 2024)
- Response to Lead Local Flood Authority TSWC-L-0010-001 (30 April 2024)
- Response to South West Water TSWC-L-0010-002 (30 April 2024)
- Road Safety Audit Brief (DMRB GG119) (23 May 2024)
- Response to Lead Local Flood Authority TSWC-L-0010-003 (06 June 2024)
- Transport Technical Note 1251-F3 (06 June 2024)
- Supplementary Information Provided In Response to Officer Comments (Urban Design and Landscape) (June 2024)
- Transport Technical Note TN2 F1 2024.07.15

## 8.0 Relevant planning history

Reference	Proposal	Decision	Date
21/1291/OUT	Outline Planning Application for a development of up to 150 residential dwellings, community hub, access and associated infrastructure.(All matters reserved except access).	WDN	04.04.2022
21/0682/FUL	Change of use from agricultural building to farm shop with ancillary	WDN	04.06.2021

Reference	Proposal	Decision	Date
	café, office, storage, and parking in association with Rixlade Farm.		
17/1940/AGF	Prior approval for agricultural building for storage of produce and machinery	Prior Approval Not Required	10.01.2018
08/1479/TEL	Installation of two periodic antennae at 17m, one 0.75m dish at 5.0m and one GPRS antenna on cabin. Replacement of existing equipment cabinet.	Prior Approval Not Required	19.09.2008

## 9.0 List of constraints

The application site is within a Landscape Setting Area and has four County Wildlife Sites lie in the surrounding area, consisting of Mincinglake Plantation, Lower Covert, Savoy Hill and Lower Rollestone. Stoke Woods Site of Special Scientific Interest (SSSI) lies 1km north of the site. The site is indicated as potentially contaminated on the Council's GIS system.

## 10.0 Consultations

All consultee responses can be viewed in full on the Council's website.

**Natural England** – No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European Sites).

**NHS Integrated Care Board** – No objection subject to S106 obligation. Nearby medical surgeries are at capacity and will not be able to absorb the additional patient numbers without additional facilities. It is requested a contribution of £377 per dwelling for enhancement to Mount Pleasant Health Centre, Isca Medical Practice, Southernhay House Surgery – The Branch Surgery and Whipton Surgery.

**South West Water** – No objection – Advised that upgrades to the water infrastructure will be required to provide potable water which would take up to 18 months to deliver. Foul sewerage services can be provided to the site.

**DCC Highways** – **Object** to proposal.

Raised objection to original application and requested additional information. The original objections were:

- Footway link from site to the public highway is not within site ownership and is unregistered land and there is no guarantee this can be delivered.
- Footway link in south east corner is not within ownership of the site and no guarantee it can be delivered.
- Without these links there would not be a safe link for non-motorised users leading to a reliance on motor vehicle movements.

- Works within Mincinglake Park would require significant levels of works and lighting and it has not been demonstrated that this can be achieved, notwithstanding the ownership issues.
- Access via steps does not comply with the standards set out in Local Transport Note 1/20 and goes against inclusive mobility guidance
- A Road Safety Audit 1 is required to demonstrate the proposed links and footway adjacent to Stoke Hill Road.
- The vehicle trip rates are based on a central avenue in close proximity to bus services and good connections to walking and cycling routes. All of which this site does not have. It is therefore highly likely that the development would place a reliance on vehicular movements and increase potential for conflict between pedestrians and vehicles.
- An unacceptable impact to Stoke Hill roundabout will occur, but this can be mitigated through an upgrade. In addition, upgrades to the E4 cycle route would be required. A combined S106 obligation of £106,250 is requested.
- Further details of conversations with Stagecoach in providing the bus link would be required at this stage to provide comments.
- Co-bikes and Co-Cars are referenced in the Transport Assessment, but the company providing these is no longer operating. This could be resolved through a financial contribution instead.
- Sufficient vehicle access has been demonstrated into the site with suitable visibility and space for refuse lorries.
- The proposal has made efforts to come forward as low carbon development, but without attractive walking and cycling routes, located on the periphery of the city, with poor connections to public transport the proposed development is likely to be car dependent.

The first set of revised information did not alter this objection, with comments noting:

- Unacceptable impact on highway safety. The submitted Road Safety Audit did not use up-to-date information and does not provide information on matters needing resolution at this outline stage.
- Queries over ability of unregistered land adjacent to Stoke Hill to provide footway access.
- Footway link would provide unacceptable impact to highway safety.
- Trip calculations were based on location with very different characteristics and does not take into account incoming traffic for community centre.
- Steps are the only pedestrian route into the site and this will not allow accessible access to all and would lead to increase in vehicle movements.

Following submission of a second Technical Note it was demonstrated that an accessible route could be provided through the site and updated accident data was provided.

Comments are still awaited relating to swept path analysis of the Stoke Hill footway and this will be provided prior to the Planning Committee meeting.

There was still an objection on trip generation and reliance on private motor vehicles and the associated highway safety impacts.

**DCC Lead Local Flood Authority** – Originally raised objections as additional information was required. Following submission of this information the objection was withdrawn subject to conditions.

It was demonstrated that soakaways were not suitable and that catchment area 1 will use attenuation basins on low-lying ground and catchment area 2 discharging water to an ordinary watercourse at the south-east boundary.

Conditions were recommended in relation to soakaway test results, detailed drainage design, management and silt run off during construction, adoption and maintenance details, exceedance flow management, evidence of agreement in principle between the landowner, DCC and SWW and an assessment of condition and capacity of water drainage system and watercourses affected by the proposals with repair/improvements as required.

**DCC Waste Planning** – No objection subject to condition. A Waste Audit Statement was submitted with the application stating that further details will be provided at Reserved Matters stage. This is considered acceptable subject to a condition requiring submission of these details.

**DCC Education** – Advised that whilst the development will generate additional primary and secondary school pupils there is sufficient spare capacity in schools for them. No contributions are requested.

**DCC Public Health Devon – Object** to proposal. The development could have significant impact on public amenity/green space, local infrastructure (as the roadway is steep, narrow and well used) and could negatively impact a site of regional importance for bats, the Exeter SPA and Mincinglake Plantation CWS.

**ECC Affordable Housing** – The principle provision of 35% Affordable Housing is supported due to significant need. It would be expected to meet Core Strategy policy CP7 requirements, as revised by the First Homes Planning Policy Statement 2021 and the Affordable Housing SPD.

**ECC Ecologist** – Originally **objected** to proposal for the following reasons:

- Significant harm to biodiversity both at the site level and on the city's biodiversity network.
- Insufficient information on the potential impact of lighting on the functionality of the proposed retained habitat features and enhancements with regards to bats and other wildlife.
- Insufficient information has been provided with regards to the grassland habitat assessment and BNG condition assessment, and updated survey information is required for roosting bats.
- The proposals do not sufficiently minimise impacts on and provide net gains for biodiversity in line with the NPPF para 180d) and 186d).
- Insufficient information to assess the balance between ensuring adequate recreation onsite to mitigate the potential impacts of increased recreation on



the nearby County Wildlife Sites, and the biodiversity mitigation and enhancements necessary onsite to mitigate the potential effects of the proposals on biodiversity.

- Insufficient information provided with regards to dormouse mitigation/compensation.

Following submission of additional information raised **objections** on the following grounds:

- RGE's response advised that lighting would not be required along Stoke Hill or the access, however the provision of a footway along Stoke Hill will require lighting, as highlighted by Problem 3 of the Stage 1 Road Safety Audit. Part of this footway runs immediately adjacent to the southern boundary of Lower Court County Wildlife Site and is suitable habitat for Annex II bats. A Lighting Impact Assessment and further bat studies are required for this section of lane to understand the ecological impacts.
- There are adopted highways shown along the western boundary and consideration of lux levels needs to be taken into account for impacts on bats is required.
- A Phase 2 NVC survey is required to allow assessment of the impact on biodiversity in line with the NPPF paragraph 186.
- The requested Ecological Enhancement and Mitigation Plan requested has not been provided. There is insufficient certainty to allow important landscape and enhancement ecological features such as buffer widths to be secured.
- Insufficient information has been provided to demonstrate that the significant 43.7% predicted biodiversity loss can be adequately compensated.
- Insufficient information has been provided on the potential impact of lighting on the functionality of the proposed retained habitat features and enhancements with regards to bats and other wildlife.

**ECC Environmental Health** – Raised initial **objections** due to insufficient information on air quality impacts. A revised AQA was submitted and it was not possible to agree it due to Highway disagreements over trip generation.

Advised that not a significant enough reason to refuse, but that a pre-commencement condition for an Air Quality Impact Assessment with mitigation would be acceptable.

**ECC Public and Green Space** – No in-principle objection to scheme. There are private and shared gardens in the indicative details however a development of this size would be expected to provide opportunities for play within public open spaces. A LAP and a LEAP should be provided on-site for toddlers and junior age groups and a financial contribution towards a MUGA for use by older children and teenagers.

**ECC Tree Manager** – **Object** to proposal.

The proposal shows a new access footpath and road within the RPA of the retained veteran tree T1. The original arboricultural comments objected to the proposed installation of permanent hard surfaces within the RPA and buffer zone.

Veteran trees are recognised as valuable and irreplaceable habitats that require protection and enhancement. Therefore, development should avoid impacting veteran trees.

Current guidance recommends that development proposals are not approved within a Buffer Zone.

The proposed new footpath and highway breach the minimum Root Protection Area and also the recommended Buffer Zone. The Buffer Zone is provided to prevent physical damage to the tree, avoid soil compaction, maintain soil hydrology and protect nutrient cycles and fungal associations.

The proposed highway and footpath, along with the new embankment (raised soil levels within the RPA), will significantly impact on all of the above and impact on the long-term retention of the tree.

The impacts from encroachment into the RPA and Buffer Zone will be short term and long term. Short term the impacts will be root loss through asphyxiation which could lead to a decline in the tree. Long term the proposal for a highway and footpath will lead to air and soil pollution (runoff from roads containing chemical pollutants which will contaminate the soil).

While the Buffer Zones have been offered to the north, on balance, the significant loss to the south far outweighs that.

### **ECC Urban Design and Landscape – Raised initial objections to the proposal.**

The original objections were:

- Whilst the 'zero carbon' ambitions of the project are commended these do not negate the need to meet more general requirements for good design and placemaking.
- The scheme is detrimental to the landscape setting of the city, relates poorly to the adjacent settlement form and is not a strong contribution to the 'rural edge' context and setting of Stoke Hill and its intrinsic character.
- The connections to local facilities and amenities (particularly by means of Active Travel) are poor.
- Even if these fundamental points could be overcome, the proposed layout of the development is weak.

Following submission of additional information, the **objection** was maintained for the following reasons:

- The site is detrimental to the landscape setting of the city, relates poorly to the adjacent settlement form and is not a strong contribution to the 'rural edge' context and setting of Stoke Hill and its intrinsic character.
- The connections to local facilities and amenities are poor.
- Even if these fundamental points could be overcome, the proposed layout of the development is regarded as weak.
- It was noted that the 'barn typology' is not shown in the drawings and that design similar to a conventional barn would be required. The scale of development and housing clusters are more closely associated with a fully urban character and are alien to this rural setting.

- The layout is separated between either side of the retained barn/community hub building, which will require large car parking to support any commercial uses and would lead to a large site that is vacant in the evenings creating a poor level of amenity for residents.
- The additional LVIA detail removed some objections, but viewpoint 03 confirms concerns, particularly at night-time and with artificial illumination. The existing barn would not normally be illuminated after dark, whereas the residential development would be.
- No visualisation of the site entrance was undertaken despite recommendations to do so.
- It is also noted that no visualisations from the residential areas to the south-west of the site have been undertaken, which is within the Zone of Theoretical Visibility.
- There are concerns over whether the footway along Stoke Road would require felling or works to existing trees/hedgerow which would harm the landscape quality of the area.
- The gradient of the footway is also of concern as to whether it will be accessible to all.
- Artificial of these new routes would also result in degradation of the tranquillity, natural beauty and visual attractiveness of the locality.

**ECC Building Control** – Advised that no comments to make.

**Exeter Airport** – No safeguarding objections. The proposal does not appear to conflict with safeguarding criteria.

**Police Designing Out Crime Officer** – Appreciate that the layout is only illustrative, but raised the following comments:

- Ownership of space should be clearly defined with appropriate boundary treatments, use and responsibilities. The proposed 'semi-public' courtyards and gardens leave it unclear.
- Apartment blocks should have main communal entrances overlooked and provide good supervision over the approach.
- The layout should provide overlooking and active frontages.
- Any hedgerow providing garden boundaries should be fit for purpose with sufficient height and depth to provide a defensive boundary.
- Front gardens should have low-level defined boundaries.
- Pedestrian routes through the site should be clearly defined, wide, well-overlooked and well-lit.
- Appropriate lighting throughout the site is needed.
- Rear parking courts are discouraged.
- Designing Out Crime should be referenced in the Reserved Matters Design and Access Statement to show how the scheme has considered and embedded principles into the design.

**Devon and Somerset Fire and Rescue Service** – Advised that it is unclear whether access to one of the blocks would meet the requirements for fire appliances. Further comments will be provided at Building Regulations Stage.

**Devon Wildlife Trust** – **Object** to application. Insufficient information has been provided in the Ecological Impact Assessment because:

1. Protected species survey data is out of date.
2. Four County Wildlife Sites and Stoke Woods Site of Special Scientific Interest lie within 500m of the site. The report notes impacts may occur to these sites and mitigation of public green space could be used. No details of this has been provided and it is not possible to consider the impact on designated sites without this information.
3. The site is within a DCC Greater Crested Newt consultation zone. It is not acceptable to rule out this pond based on its HIS score alone and surveys should be undertaken.
4. No details of proposed habitat creation is provided to demonstrate that there will not be a negative impact on protected species.
5. There is not enough information to demonstrate how the functionality of the green infrastructure network will be maintained post-development.
6. No lighting strategy has been included and there is the potential for impact on at least 10 bat species and dormice.
7. Invertebrate species are identified that are listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities Act 2006. No further consideration is given to these species within the report.
8. Inadequate Biodiversity Net Gain will be delivered on site, with a 10% BNG required, with 20% recommended.

**Exeter Civic Society** – **Object** to proposal. The development is detached from the built environment and is poorly connected to the city via the upper part of Stoke Hill, which is a narrow and steep road without pavements and without the benefit of any public transport

The pedestrian access is via a steep flight of steps and only suitable for able bodied people and not for those with a pushchair or wheelchair.

The proposal fails to make the best use of the 4.88ha site with just 85 homes at a density of 17dph.

Proposal does not meet CS policy CP16 which aims to protect the hills to the north and north-west.

The comparison schemes mentioned are well connected to the highway network and bus services proving an element of sustainability for future residents.

**Exeter Cycling Campaign** – **Object** to proposal for the following reasons:

- Danger to cyclists on Stoke Hill, specifically the section of Stoke Hill between Collins Road and Mincinglake Road. It is noted that it is

necessary to create separate pedestrian/cycle links to this route in order to create accessible links to local amenities.

- No evidence that developers have consulted owners/managers of Mincinglake Park about connecting footway/cycle network to it. These routes would be crucial and evidence is required that it is an agreeable option.
- Details of cycle storage levels per dwelling have not been supplied and details of e-bike hire need to be clarified following the collapse of co-cars.
- Local pharmacy at Mount Pleasant referenced in application has now closed.
- No Environmental Impact Assessment has been submitted with this application.
- Topographical changes will be very visible.
- Existing ground is potentially contaminated.
- Inclusion of 3 storey apartment blocks would damage rural setting and be highly visible from a considerable number of high value sites.
- Although not in the Valley Park it is for all intents and purposes part of the park.

**RSPB** – Recommended condition to secure bird boxes in line with BSI42021:22 Integral Nest Boxes.

## 11.0 Representations

There have been 303 representations received on this application of which 302 object to and 1 supports the proposal.

The objections are as follows:

- Loss of green space
- Ruin unique 'green fields' character of the local area.
- Green skyline of the Northern Hills, visible from much of the city, would be destroyed contrary to policy LS1.
- Farmland is part of 'Exeter's Green Skyline' that can be viewed from variety of locations.
- Urbanisation of ridgeline and damage to the 'green circle' around the city.
- Harm to the rural character of the area and overall landscape setting of Exeter.
- Protection of green space is integral to the city's Net Zero Vision.
- Increase in traffic on already congested roads.
- Traffic impacts on children and parents of Stoke Hill Junior School
- Increase in traffic on already dangerous roads
- Roads only just passable for buses, will not cope with construction traffic.
- Stoke Hill has become a 'rat run' in recent years from areas to the north of Exeter.
- Access road is narrow and steep with a sharp bend.

- Existing bridge on Stoke Hill is not suitable for additional vehicles.
- Already lots of accidents on the tight bend by the site.
- Many cars end up in the ditch on the tight bend and are pulled out by mates.
- Single lane access to the site in places.
- Increase in danger to pedestrians, cyclists and horse riders who use the road as a link to various footpaths.
- Stoke Hill is too steep for most cyclists to use to access the site.
- Increase in pollution during and after construction.
- Disruption to nearby areas and parks.
- Overstress on the already lacking public transport options.
- Empty homes should be used rather than building new ones.
- Loss of views
- Reduction of property prices
- Lack of additional infrastructure; doctors, dentists, hospitals, schools.
- Impact on protected wildlife, habitat and species.
- Loss of biodiversity contrary to local and national policy.
- Wildlife has already been pushed out from developments to the east and this will make it worse.
- Impact on bats that have only just returned to the area.
- Protect the environment for future generations.- Nothing has changed since the objections to the last application for housing on this site.
- Activity occurring on site already
- Loss of trees and hedges which are needed for carbon retention.
- Large levels of concrete and tarmac leading to increase in water run off impacting on surrounding area.
- Existing area already becomes waterlogged and this will increase it.
- Increase in population will ruin the peace and quietness of Mincinglake fields, leading to people driving to further locations for quiet spaces.
- Bus stop is shown, but no bus company will service this development.
- Will lead to further applications for housing on the precious green space.
- Site is an old tip so not suitable for houses.
- Water quality will be impacted by the development.
- Fields should be added into the local park instead.
- Council has policy to protect it's valley parks and this would be detrimental to this.
- Circling of the valley park will be detrimental to the wildlife of the park as natural corridors will be broken.
- Existing building on-site does not appear to have ever been put to use.
- Use of existing building for public uses will increase traffic from visitors further afield.
- Existing community facilities are already at Sylvania Community Hall and Sylvania Community Stores and no demand for further facilities.
- No footpaths to access the site.
- Exeter is already overbuilt by housing and student housing.
- Noise and light pollution will impact on bats, birds, deer and reptiles.

- Although less houses than last application the impacts identified are still valid.
- Increased traffic will be audible across the Pennsylvania Estate.
- Development is not sustainable with homes being too small and not 100% sustainable with ground/air source pumps and total solar and a lack of PassivHaus,
- Houses are too small.
- Houses will become buy-to-lets or 'multioccupancy minimally maintained slum'.
- Development will be a 'lower class neighbourhood that everybody wants to avoid'.
- Previous application already refused.
- Only reason to build here is financial gain for landowner.
- Contrary to section 3.2 of Core Strategy that: 'In delivering growth Exeter will build on its strengths and assets by safeguarding the hills to the north and north west, protecting the historic environment and enhancing green infrastructure.'
- Contrary to section 3.8 of Core Strategy as brownfield land should be used instead.
- Does not comply with objectives 1, 5 and 8 of the Core Strategy.
- Contrary to section 4.11 of Core Strategy that states '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'.
- Contrary to emerging Exeter Plan spatial strategy S1 that focuses on strategic brownfield sites where daily needs can be met on foot.
- Site is not listed in emerging Exeter Plan housing applications.
- Does not meet criteria for development in emerging Exeter Plan policy NE1 (Landscape Setting Areas).
- Does not meet criteria of HW1 in emerging Exeter Plan.
- Another play area is not needed as there is a park already.
- EV charging and a car sharing scheme does not mitigate extra number of cars on Stoke Valley Road.
- Site does not integrate easily into Pennsylvania as it is cut off by the park.
- Street lighting would be a blot on the landscape.
- Development would change the nature of Mincinglake Park for the worse.
- Increase in sewage will overload the sewers causing potential health hazards.
- Farm shop is not needed, there is already a local shop at Sylvania Community Shop.
- Farm shop will create increase in traffic on Stoke Hill.
- Drawings show a potential footway onto Stoke Hill in the location where numerous cars have gone into the ditch in the past, creating safety issues.
- The bend on Stoke Hill is always wet, with gullies rarely cleaned and full of leaves. It also gets extremely icy in winter.
- Only 35% of the dwellings will be 'affordable' homes.
- Exeter is turning into a place of housing sprawl.

- Quality of living in Exeter has deteriorated massively over recent years.
- Providing water to new dwellings will put strain on existing services.
- No benefit to area or the current population.
- Site is too far from the city centre
- Site is on steep hill and residents will rely on cars to get everywhere.
- Contrary to Exeter Transport Strategy which aims to increase active travel across the city to 50%.
- Few job opportunities within walking distance of the site (20 minutes walk/1km).
- The green aspects do not outweigh the negative impact on the environment.
- Removal of only greenspace view from residents in the Pennsylvania/Stoke Hill area which is known to have positive impacts on health and wellbeing.
- 15 year wait for mitigation to be established will result in 15 years of significant harm to the surrounding area.
- Location on edge of city brings additional costs to occupants as transport measures needed.
- Site is too far from bus stops and train stations and increases dependency on car use.
- North of Exeter is only area with direct access to green space and this should not be built on.
- More in-depth Ecological Impact Assessment is needed.
- Loss of agricultural land.
- Existing barn has never been used for agriculture.
- Mincinglake Stream feeds into The Northbrook, which in turn feeds directly into the River Exe. This development would create pollutants and run off which would find their way into Mincinglake Stream and eventually into the Exe, and is not the way to protect the Exe.
- Goes against Exeter's claim to be one of the UK's greenest cities.
- Submitted drawings do not include off-site access areas that would be needed within the red or blue lines.
- Site location, in the hills to the north and west of the City and adjacent to the Valley Park Is within an area where the character and local distinctiveness will be protected in accordance with Core Strategy policy CP16.
- Transport Assessment ignores the physical constraints of the site.
- Land to create pedestrian access to the public highway is not in control of the applicant.
- Creation of a bus stop will require *increased* visibility splays and removal of vegetation.
- Detrimental impact on existing mature tree line adjacent to the western boundary.
- Retained trees will likely be in private gardens and therefore at greater risk of removal in future.



- Transport Assessment is incorrect as no vehicle parking at St James or Polsloe Bridge
- Transport Assessment references co-cars and co-bikes but they no longer exist.
- Transport Assessment refers to E4 cycle route. This does not currently exist and in current financial situation is unlikely to resume,.
- Proposal to establish restaurant makes no economic sense. Not enough people on-site to support this type of use.
- Appearance of the area will change beyond recognition.
- Loss of green space used by many.
- Any connecting footpaths would need to be built across Mincinglake Valley Park and detract from its appearance.
- EclA did not assess the construction of footways along Stoke Hill which may present habitat for protected species.
- Appropriate Assessment on impacts to the Exe Estuary SPA have not been undertaken.
- Lighting strategy is needed to avoid impacts to wildlife.
- HIS survey in the EclA is 'notoriously inaccurate' and far better methodology is available and should be used.
- No LEMP has been submitted.
- Stoke Hill road is subject to existing flooding.
- Plans show minimal visitor parking and would lead to parking on the narrow Stoke Hill.
- Visibility splays are under national guidance levels.
- Paths connecting into Mincinglake Park will need agreement from ECC or Devon Wildlife Trust.
- SUDS calculations show that runoff rates will exceed QBar Greenfield Runoff Rates due to increase in head within the basins. This will lead to an increase in flood risk downstream.
- Barn is not allowed to be converted to any other use.
- Change from 5 year to 4 year housing supply reduces pressure on valuable spaces such as this..
- The Landscape Sensitivity and Capacity Study (August 2022) states that development of the land to the north of the city is not desirable or particularly suitable.
- Scheme is a Departure from the Local Plan and the proposal is not exceptional to warrant granting.
- Biodiversity Metric demonstrates a net loss of biodiversity.
- Development needs to provide 10% biodiversity net gain.
- Habitat surveys were not undertaken at ideal time with condition assessments.
- No weight can be given to the Greater Exeter Strategic Plan which did not make it to consultation stage.
- NPPF paragraph 123 states that brownfield land should be used as much as possible.

- This site is physically isolated from existing housing, contrary to the Pendragon Road and Celia Crescent developments.
- No evidence of a community bus facility being viable.
- Physical attributes of the site allow it to be considered 'valued landscape' in accordance with the 'Stroud' appeal decision.
- Development fails policy LS4.
- Claims that agricultural use cannot continue is preposterous.
- Accessing the site through the Mincinglake Valley Park would present safety hazards for pedestrians and cyclists and impact on its function as a Sustainable Alternative Natural Greenspace (SANG).
- Planning Statement cherry-picks sentences from the NPPF, local policies and recent appeals whilst ignoring the overarching principles. E.g. dismissed appeals for building on the hills.
- Planning Statement fails to mention the recent 2022 Landscape Study which shows this area is highly sensitive.
- Site is 40 minutes walk from the nearest supermarket at Morrisons.
- Applicant suggests land east of the development 'could' be given to the community as valley park extension. This should be a 'will'.
- Cycle routes on the edge if the site would not meet Department of Transport guidelines of maximum gradient of 5% for a desirable maximum length of 30 metres.
- The existing site is visible from along the Exe estuary and important for long views of the setting of Exeter
- High density development in the city centre should be built instead.
- Area is close to university and likely that properties will become student HMOs.
- Good agricultural land will be lost.
- Mincinglake Valley Park is not surrounded by residential or office development and feels rural.
- The Council's Housing and Economic Land Availability Assessment (HELAA) from 2022 concludes that the 'site has failed to pass the Stage A Assessment and is contrary to the Full Draft Plan's development strategy'.
- Highway surveys were undertaken in 2021 when understanding of post-covid was still occurring. A shift back to in-person is occurring since then, increasing traffic.
- Area is dark area and a mapped area of High Concern for Bird Assemblage.

The supporting comments were as follows:

- Building homes for future generations
- Serves the current high demand for high quality housing.
- Will help with high prices due to lack of available housing stock

It is worth commenting on a few of these matters in this section with regards to points raised.

Loss of views from private properties and property prices are not material planning considerations.

The previous application was not refused, but was withdrawn by the applicant before any formal decision issued on it.

The existing site is not publicly accessible and is not within the Mincinglake Valley Park itself.

The other matters raised are dealt with in section 16 of this report.

## **12.0 Relevant policies**

### National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (Dec 2023) – 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

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)

Housing and Economic Land Availability Assessment (HELAA) 2022

Exeter Plan Full Draft Regulation 18 (October 2023)

### **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.

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 Equality 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 the 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) removing or minimising 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 other 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

35% Affordable housing level

Minimum 10% greenspace

LAP and LEAP Play areas and financial contribution to MUGA.

£377 per dwelling for expansions of Mount Pleasant Health Centre, Isca Medical Practice, Southernhay House Surgery – The Branch Surgery or Whipton Surgery.

£106,250 for improvements to Stoke Hill roundabout and E4 Cycle Route.

Employment during construction phase

Employment during life of development

#### 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 a site. This proposal is CIL liable.

The rate at which CIL is charged for this development is £136.07 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 proposal will generate Council Tax and business rates

## **16.0 Planning assessment**

1. This application is for Outline consent, with the matters of scale, layout, appearance and landscaping being Reserved Matters to be dealt with through additional applications.
2. The matters of access are therefore to be agreed at this stage, alongside the acceptability of a maximum quantum of development of 85 dwellings, retention of the existing barn as a 'community hub' and associated infrastructure.
3. Should an approval be sought by the Planning Committee against the Officer recommendation of refusal then it is recommended to defer the final decision to allow for a framework masterplan and design code to be agreed and secured by condition which displays out key site design features to guide the associated Reserved Matters application(s).

### **Principle of Development**

4. The site is in the northern hills of Exeter and is within a Landscape Setting Area.
5. Local Plan (LP) policy H1 states a clear hierarchy for assessing housing development, with brownfield land being sequentially preferred over greenfield sites. Greenfield land is at the bottom of the sequential sequence and is only acceptable on 'sustainable urban extensions within public transport corridors.'
6. LP policy DG1 states elements that provide good urban design, with c) of particular relevance that development fully integrates landscape into the design and the development into the existing landscape, including its three-dimensional shape, natural features and ecology.
7. Core Strategy (CS) policy CP1 covers housing requirements and the locations it should be sited. This policy states in paragraph 4.11 should be 'steering development away from hills to the north and north west that are strategically important to the landscape setting and character of the city'.
8. LP saved policy LS1 requires that proposals do not harm the landscape setting of the city and be integrated into the existing landscape. The policy also requires that development:
  - 'Be reasonably necessary for the purposes of agriculture, forestry, the rural economy, outdoor recreation or the provision of infrastructure; or
  - Be concerned with the change of use, conversion or extension of existing buildings.'
9. The landscape harm part of this policy still allows development, but this subject to an assessment of the harm caused to the landscape setting. The policy is clear that development must meet strict use types or relate to existing buildings.



10. In relation to this proposal and LS1 there will be a change of use of the barn, but this is a very small aspect of the entire proposal. As a whole the proposal fails to meet the requirements of LS1.
11. However, the weight attached to this policy has been subject to significant debate in the context of recent appeals and decisions, with Inspectors determining that LS1 is either out of date or should be given limited weight in light of the NPPF and that it is based upon outdated information and superseded by national policy.
12. It is therefore considered that LS1 can only be given limited weight in relation to this scheme. Development in terms of landscape impact should therefore be primarily considered through CS policy CP16.
13. CS policy CP16 states specific areas of the city, including the hills to the north, where development will only be appropriate if it protects the character and local distinctiveness of the area. These areas are specifically identified to protect these assets to the city and provide a framework for acceptable locations for sustainable new development.
14. CS policy CP17 requires that 'all proposals for development will exhibit a high standard of sustainable design that is resilient to climate change and compliments or enhances Exeter's character, local identity or cultural diversity.'
15. In a similar manner, emerging Exeter Plan policy NE1 only permits development 'where there is no harm to the undeveloped character, natural beauty or quality of views enjoyed by people within the city; and there is no harm to the distinctive characteristics, special features and qualities that make this valued landscape sensitive to development, as identified in the Exeter Landscape Sensitivity Assessment.' The emerging Exeter Plan is at Regulation 18 stage as of October 2023 and whilst this is an early stage the policy still has some very limited weight in determining the application.
16. The applicant's Planning Statement makes reference to the Greater Exeter Strategic Plan (GESP) and advises that the site was found to be an area 'suitable for strategic housing growth and development'. This document was proposed to be a joint local plan for Exeter, East Devon and Mid-Devon Councils, however it did not progress. There was an initial public consultation in 2017 to invite comments on the scope and content of the plan and key issues facing the area, but no draft plan was produced and consulted on.
17. In light of this, and with the emerging Exeter Plan now being at Regulation 18 Stage (and with updated evidence produced for it), it is considered that the GESP should not be given any weight in assessing this proposal. It is acknowledged that the Exeter Plan has limited weight in its current form, but it is the emerging development plan and, alongside the evidence base, should be used instead of the GESP.

18. The site was considered as part of two Exeter Housing and Economic Land Availability Assessments (HELAA), the first in 2022 and the second in 2023, which now form the evidence base for the emerging Exeter Plan.
19. The 2022 HELAA came to the overall conclusion that whilst the application site passed Suitability Assessment Stage A and Stage B 'the site is subject to severe constraints that are not considered to be conducive to development.' Key constraints identified include its location adjacent to the Mincinglake Valley Park, a County Wildlife Site and the sensitivity of the landscape in the hills to the north of Exeter.
20. The 2023 HELAA (Second Edition, October 2023) states that the site failed the Stage A Suitability Assessment. It was noted that 'Policy S1 of the Full Draft Exeter Plan sets out the proposed new development strategy for Exeter. The strategy is clear that sensitive landscapes will be protected from development. The Exeter Landscape Sensitivity Assessment 2022 concludes that the site lies within landscape that has a high sensitivity to new housing development. Therefore the site is discounted from having development potential because development is contrary to the new strategy.'
21. There have also been two relevant landscape studies that form the evidence base for the adopted Core Strategy and the emerging Exeter Plan.
22. The 2007 Exeter Landscape Sensitivity and Capacity Study places the site within an area identified as Zone 3, which is confirmed as having high sensitivity and low capacity for housing and employment. Zone 3 covers a wide area that includes land to the east of the site within Mincinglake Valley Park.
23. The assessment of Zone 3 states that in relation to landscape sensitivity there are prominent hill and valley sides with a high intrinsic sensitivity forming a strong positive rural backcloth to the city. It is noted that 'the area has no capacity for housing because of its prominence, rural character and intrinsic sensitivity' and that 'the area has no capacity for employment due to its rural character, slope, prominence and adjacent land uses.' The assessment also advised that views of Zone 3 are possible from higher points to the south, as well as from the city itself, and that it is a 'highly visible zone'.
24. The 2022 Exeter Landscape Sensitivity Assessment (White Associates for Exeter City Council) places the site within a smaller parcel, identified as Character Area Land Parcel 05. This site was also concluded to have high housing sensitivity and high employment sensitivity.
25. The assessment of Parcel 05 notes the landscape is vulnerable to housing due to 'the prominent hill and valley sides, which form a strong positive rural backcloth to the city, its role as a local skyline, the regular field enclosures, steepness of some of the slopes and separated from the urban edge by Mincinglake Valley Park.'

26. In relation to visual susceptibility from housing the assessment states that the site is 'part of the northern hill and valley slopes visible to the south, west and north west. Close visibility from PROWs and Stoke Hill, open views from the west and distant views from Ludwell Valley Park. It is concluded that 'the land parcel is therefore highly sensitive to housing'. N.B. It should be noted that the Inspector for the dismissed appeal ref. APP/Y1110/W/21/3287921 ('Home Farm North') to develop up to 61 dwellings on fields on the north-east of the city gave this document very limited weight, as in their words it had not been adopted by the Council yet, although it is unclear what they meant by this as normally such a document would not be formally adopted.
27. The submitted application documents make reference to two recent allowed appeal decisions, APP/Y1110/W/22/3292721 at Spruce Close and APP/Y1110/W/22/3292721 at Pendragon Road in relation to assessing the acceptability of this scheme. Both of these sites are to the east of this application site, within the Landscape Setting Area.
28. APP/Y1110/W/22/3292721 at Spruce Close was allowed in August 2022. In the appeal decision the Inspector stated that that scheme would not appear piecemeal but relative to the urban fringe, low on the hillside, and well contained and softened by mature vegetation, whilst the adjoining three fields to the north would be secured through the application as New Valley Park in perpetuity, preventing their future development. However, they went on to state that the development of up to 93 dwellings and associated infrastructure would inescapably cause an urban intrusion onto the appeal site, weakening its open, verdant and undeveloped character... The urban intrusion onto the appeal site would be unmistakable from nearby dwellings, as well as public and private open spaces in the vicinity. There would therefore be some harm to the character and local distinctiveness of the hills to the north and northwest of the city, and conflict with Policy CP16 and the spatial element of saved Policy LS1 accordingly.
29. APP/Y1110/W/22/3292721 at Pendragon Road was allowed in August 2023. This site sits within the Landscape Setting Area and was noted by the Inspector as 'well screened by substantial hedgerows and trees to all sides' and that 'it feels self contained' as 'the appeal site itself is difficult to discern'.
30. In considering these appeals it is relevant to look at the context of them in comparison to this proposal. Both appeal sites adjoin existing built-up areas of the city, which this application does not. This site is isolated by Mincinglake Valley Park to the east and south and is not directly 'attached' to the existing urban built form to the west or south.
31. It is of significance to note that both of those appeals were allowed when the Council could not demonstrate a 5-year housing supply and the tilted balance in favour of sustainable development set out in paragraph 11d of the NPPF was in effect. The

Council is now subject to a 4-year housing supply requirement (as it is at Regulation 18 Stage of the emerging Exeter Plan) and can demonstrate a supply of just under 5 years and 1 month, meaning that the tilted balance is not in effect when assessing this scheme.

32. Whilst the application documents refer only to the two allowed appeals, it is of relevance that there have also been dismissed appeals within the Landscape Setting Area.
33. Appeal APP/Y1110/W/21/3287921 at Home Farm (outline application for up to 61 dwellings) saw the Inspector state that they 'consider that the development of the appeal site would have a detrimental effect on the landscape setting of Exeter through its urbanisation and the resultant effect this would have on views, particularly towards the appeal site, which despite recent development, have not been affected to a great extent.' The Inspector continued, stating that the 'development would create very significant harm to the character and appearance of the appeal site and the surrounding area, with particular regard to the landscape setting of Exeter'. It was concluded that 'as the site is currently undeveloped, the harm from this proposed development to landscape character, visual amenity and the landscape setting of Exeter would be permanent. I am therefore clear that the adverse impacts of granting planning permission in this instance would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole'.
34. Appeal Y1110/W/20/3265253 at Land at Pennsylvania Road (outline application for up to 26 dwellings) saw the Inspector note that the 'very limited development beyond the tree line is not prominent in distant views towards the appeal site and city edges' and that the introduction of dwellings 'would fundamentally alter its rural character.' The Inspector also noted that 'it would appear as an anomalous form of development projecting beyond the clearly defined limits of the city and its natural boundary formed by the belt of trees. This would have an urbanising effect in a strongly rural context that would encroach into the open countryside and the sensitive and valued landscape setting of the city.'
35. As demonstrated by these dismissed appeals where there is significant harm to the landscape setting of the city it is reasonable for applications to be refused.
36. With reference to the allowed appeals at Spruce Close and Pendragon Road appeals, page 35 of the submitted Design and Statement proposes a new 'development line' and new 'Valley Park line' which shows that Spruce Close, Pendragon Road and the application site all sit below a 115m contour line.
37. The adopted development plan, emerging Exeter Plan any guidance documents do not propose the creation of a 'development line' in this area or a new 'Valley Park line' within them.

38. Whilst on plan the creation of a 'development line' may appear acceptable it fails to take into account the specific constraints of each site and would see an unplanned urban extension into the protected northern hills of the city, as well as being contrary to the requirements of LP saved policy H1 and CS policy CP1. These matters have been considered through the landscape studies set out earlier in this section and it was concluded that this area is of high sensitivity to development. A general view that any development below 115m would be acceptable is too simplistic as this would go against policy and does not take into account the evidence base used to shape both the existing and the emerging development plans and the complex topography, visibility and constraints of the individual sites.
39. The submitted Planning Statement states in paragraph 6.1.18 that potential mitigation could be provided and 'that our client could provide a significant area of land to the east of Mile Lane which could link up with the open space proposed for the development at Spruce Close and Celia Crescent, all extending across to Mincinglake Valley Park (significantly increasing the scale of Mincinglake Valley Park). This expanded tranche of "green" land, would provide Council controlled space for recreation and wildlife across the higher land to the north of the conurbation, protecting the city's skyline in perpetuity, forming a backdrop to the City, and retaining the higher, visible hills from development.'
40. Whilst this land provision is mentioned as a possibility, it not actually been included within the application pack as a formal aspect. Whilst an addition to the Valley Park area may be welcomed it would not off-set the significant harm being caused by this proposal in developing within a sensitive landscape area, alongside the other refusal reasons set out in this report.
41. The Council's Urban Design and Landscape (UD&L) Officer was consulted on the proposal and raised objections. Revised information was submitted but the objections remain. The UD&L Officer advised that 'If developed, the site location is detrimental to the landscape setting of the city, relates poorly to the adjacent settlement form and is not a strong contribution to the 'rural edge' context and setting of Stoke Hill and it's intrinsic character. The connections to local facilities and amenities (particularly by means of Active Travel) are poor. Even if these fundamental points could be overcome, the proposed layout of the development is regarded as weak.'
42. The UD&L Officer also noted that '...the essential nature of the proposal can clearly be seen to be an isolated development form poorly connected to the existing structure of any existing neighbourhoods, posited in the green space that provides a natural subdivision of the urban structure. Embracing the agricultural uses, valley park and mature wooded hillsides - this coherent element of green infrastructure represents a fundamental characteristic of this part of the city.'

43. The applicant submitted a Landscape Visual Impact Assessment (LVIA) as part of the proposal and following initial objections submitted 'Supplementary information provided in response to Officer comments' (CliftonEmery, June 2024).
44. The Council commissioned an independent consultant in response to the LVIA submitted for the withdrawn previous application 21/1291/OUT to provide an in depth analysis of the site (Priscott, January 2022). Whilst the red-line of this application site is smaller than that assessed in the Priscott report the vast majority of observations made are still relevant. The Priscott report concluded that the site was not a suitable location for development due to landscape harm, being incompatible with local and national policy.
45. The majority of the LVIA viewpoints did not raise any comment from the UD&L Officer, however no.3 confirmed the unacceptable impact of the scheme. The UD&L Officer stated that 'Concerns confirmed, especially if considering it as a night-time view with artificial illumination. The existing barn is a taller and highly visible existing structure, but would not normally be illuminated after dark, whereas the residential development proposed in front of it will be.'
46. It was recommended by the UD&L Officer in their first set of comments that a closer visualisation of the site entrance was undertaken, given the necessary remodelling of the area, however this was not submitted in the revised details.
47. The UD&L Officer also raised concerns that further potential impacts from within Mincinglake Valley Park, particularly adjacent to Mile Lane are not present. This has the potential to generate significant harm to the setting of Mincinglake Valley Park.
48. It is also noted that the viewpoints chosen do not include any from the residential area to the south-west of the site. This area is noted in 'Figure 2.9: Zone of Theoretical Visibility' of the LVIA as having areas of high potential visibility. These streets have been visited whilst writing this report and it is confirmed that there are clear views of the rural setting of the application site, including the existing barn and grassland, that can be seen from both residential dwellings and the public highway. These locations include, but are not limited to, Aldrin Road, The Fairway, Armstrong Avenue, Mincinglake Road and Widecombe Way.
49. The LVIA notes in Table 3.7 (Visual Sensitivity Evaluation) that there will be mid and high range susceptibility and sensitivity to change and in Table 5.1 (Magnitude of Landscape Change) and Table 5.2 (Magnitude of Visual Change) that there will be mid-range and adverse impacts, although it proposes that mitigation will reduce this.
50. The submitted LVIA fails to demonstrate that there will not be significant harm created to the rural setting by this scheme. The location is visible from a number of locations and the transformation from a dark, rural agricultural area into residential development will be significantly detrimental to the rural backdrop offered by the current setting.

### *Principle Conclusions*

51. The site has been assessed through the two land sensitivity studies and two stages of HELAA and all have concluded that the site is not suitable for residential or employment development due to the location within the hills to the north of Exeter.
52. Adopted and emerging development plan documents seek to protect this Landscape Setting Area, which provides an important rural backdrop to the urban nature of the city.
53. As the Council can now demonstrate a housing land supply the tilted balance is not in effect and there is no presumption in favour of sustainable development.
54. The proposed development would harm the character and local distinctiveness of the hills to the north of the city, and the landscape setting of the city. It would create a piecemeal urban development on a greenfield site in the designated Landscape Setting Area that would be visible from adjoining public spaces, and public and private routes and spaces within the wider urban area. It would appear incongruous and not in keeping with the rural character of the hillside and Mincinglake Valley Park. It is therefore contrary to Policy CP16 of the Exeter Core Strategy, the spatial element of saved Policy LS1 of the Local Plan First Review 1995-2011 and paragraphs 135c) and 180a) of the National Planning Policy Framework (December 2023).
55. Therefore, the application should be refused, unless there are material considerations that outweigh this conflict. The other material considerations are considered through this report.

### **Environmental Impact Assessment**

56. The withdrawn application for this site, (21/1291/OUT for 150 dwellings, community hub, access and associated infrastructure) was screened in accordance with regulation 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and was found that that it was Schedule 2, 10b (urban development project) development. This screening concluded that an Environmental Statement was required.
57. The application currently being assessed is for a smaller overall site area and for a maximum of 85 dwellings, community hub, access and associated infrastructure. To ensure consistency in the decision-making process it has also been screened against the EIA regulations.

58. The screening opinion concluded that whilst the proposal was Schedule 2 column 1 development, being 10(b) urban development project, it did not meet the criteria set out in column 2, being under 150 dwellings and a site area of less than 5 hectares.
59. In accordance with the EIA Regulations and advice set out in Annex to the Guidance on the 2011 Regulations and Government guidance for Environmental Impact Assessment (Paragraph: 017 Reference ID: 4-017-20170728, revision date: 28 07 2017) a project that is listed within Schedule 2 column 1 but does not exceed the thresholds and criteria set out in column 2 are not considered to be Schedule 2 development and do not need to be EIA screened under the requirements of Schedule 3.
60. It is also relevant that sites falling within Schedule 2 column 1 and are located within sensitive areas would be subject to Schedule 3 assessment. In this instance the site is not located within any sensitive areas, as defined by the Regulations, and as such would not meet the screening criteria.
61. The proposal is therefore not considered to be EIA development as set out in the 2017 regulations and an Environmental Statement is not required.

### **Quantum of Development**

62. The application is for a maximum of 85 dwellings (35% affordable), community hub and associated infrastructure.
63. Core Strategy (CS) Objective 1 and Local Plan (LP) policies AP2 and H1 have a requirement to make 'best use of land by maximising the use of previously developed land, promoting conversions and encouraging high density development in the City Centre and in appropriate locations within the urban extensions'.
64. This should be read as part of the entire development plan, with LP policy H2 and CS policy CP4 requiring that this maximisation not be detrimental to local amenity, heritage assets, and the character and quality of the local environment.
65. This application proposes 85 dwellings in a 4.88 hectare site, creating a gross density of 17.4 dwellings per hectare. The net density will be higher than this due to the community centre building, 10% open space and play areas however it is not possible to calculate it at this stage due to the layout being a Reserved Matter. There is no set guidance in SPD or other documents for the level of density that would be appropriate for this area and therefore the acceptability of the density would fall on other aspects including the design, layout and impacts on the landscape setting. 85 dwellings is therefore acceptable as a maximum level of development, however, if the Outline is approved, it will depend on the eventual layout and design at Reserved Matters as to the exact number that would be acceptable for this site.



66. A community hub is stated on the application description, with indicative plans showing it as a restaurant, farm shop, offices and community space. However, this is not specifically stated in any of the supporting documents, with paragraph 6.3.5 of the Planning Statement advising 'a space will be available for a mix of uses'.
67. Regarding the occupation of the building, the uses specified on the illustrative plan would be considered town centre uses and would require a sequential test to ensure there are not more appropriate local or district centre locations for them to be sited.
68. As the proposed mix of uses has not been specified at this time, combined with the Outline nature of this application, it is considered acceptable to assess this solely as a retained building and require specification of use classes, sequential tests and subdivision of the structure for Reserved Matter applications. This would be details required by condition.
69. However, this lack of use class definition creates significant highway impact issues, with no clarity over the level of traffic movements to and from the site to access the facilities. These issues are addressed in the 'Access and Highways Matters' section of this report.
70. The positioning of this retained building will also split the housing aspects of the development into two parts. This matter will be addressed in the 'design considerations' section of this report.

### **Design Considerations**

71. LP saved policy requires that development be 'designed and located to raise the quality of the urban and natural environment and reduce the need for car travel'.
72. LP saved policy H2 states that development should be 'at the highest density that can be achieved without detriment to the local amenity' and 'the character and quality of the local environment'.
73. LP saved policy DG1 e) requires development to contribute to the provision of a compatible mix of uses which work together to create vital and viable places. DG1 g) states that development is required to 'ensure that the volume and shape (the massing) of structures relates well to the character and appearance of the adjoining buildings and the surrounding townscape'. DG1 h) requires that 'all designs promote local distinctiveness and contribute positively to visual richness and amenity of the townscape'.
74. The submitted Design and Access Statement and revised documents are noted by the UD&L Officer as recognising the landscape context and setting of the site as a primary constraint and proposes to 'Create a high quality contemporary residential

development which takes clues from historical farmstead cluster arrangements in the countryside valleys.'

75. The UD&L Officer commented that the 'deployment of a 'barn typology' and a composition based on 'clusters of houses' referenced in the Design and Access Statement is not borne out in the drawings. They note that barn types are not merely defined by their appearance and that 'a functional, formal or organisational type that is similar to a conventional barn would be expected'. They advised that the only aspect that displays this typology is the community hub which is a converted barn structure. The UD&L Officer noted in their original comments that '...whilst this may be a suitable strategy for clusters of small numbers of dwellings (producing an impact and effect that may be similar to the scale of a farmstead) the amplification of the development form in order to accommodate the quanta proposed means that any associational link to the historic precedent is not relevant and would not be discernible - as demonstrated in the illustrative layout. The development form being largely perceived as swathes of continuous built form which would bear no resemblance to the agricultural scale of a nucleated farmstead cluster. Elsewhere within the DAS then the term 'Parkland Valley Village' is used to describe the proposals but this is not a commonly-recognised typology and therefore does not readily refer to any known precedents that might help to justify the approach'.
76. It is therefore considered that the design of the development would lead to clustered dwellings that do not sit with the rural location, creating harm to the landscape setting. However, the appearance of the buildings and layout is a Reserved Matter and the assessed drawings are only illustrative. This could therefore not form a reasonable reason for refusal of this application. As previously stated in this report it is recommended that any approval be secured with a masterplan and design code to ensure a quality of development at Reserved Matters stage.
77. The overall layout of the site will be that of two halves, split by the retained community hub building in the centre of the site. This building is of a significant size and unlikely to be entirely for community use, with submitted documents hinting at a desire to create some form of 'retail attraction' that would require significant parking requirements surrounding it, further dividing the residential areas of the development. Whilst the exact uses of the building have not been established as part of this Outline permission it is clear that with only a maximum 85 dwellings being built there will need to be significant number of visitors to allow any retail aspect to be viable and that the topography and isolated location that will result in private motor vehicles being used to access it and associated parking required.
78. This raises issues for the wider development in relation to the car parking/landscaped areas surrounding the building. Any commercial use is likely to be closed in the evening which would result in the majority of the large building and its associated parking/landscaping being vacant and further dividing the two residential aspects. This would not sit with the proposed 'Parkland Valley Village' and would harm integration of the two areas and likely create an area for anti-social behaviour.

79. In relation to the layout a landscape strategy linking to existing hedgerow and tree groups with interconnected green corridors is proposed and fully supported. This would be expected on any development and is noted by the UD&L Officer as 'not therefore a particular response to this specific context' and that 'a bolder landscape/green infrastructure strategy would have been more effective'.
80. Additional comments were received from the UD&L Officer in relation to the overall design of the 'arrival space',
81. Whilst recognising that the layout drawings submitted are only illustrative the barn structure is being retained and repurposed and it creates a significant weakness to the overall development. It creates a significant division between the two aspects of the development and will create with further harm to the rural setting.
82. Whilst these matters are noted, the overall design and layout are Reserved Matters for future consideration. It is therefore not considered that a refusal reason on these grounds is possible at this Outline stage, the layout would need to have been included as part of this application.
83. These aspects will therefore need to be suitably addressed at Reserved Matters.

## **Access and Highway Matters**

### *Relevant Policies*

84. Local plan saved policy T1 sets a hierarchy of transport modes, with sustainable and environmentally acceptable modes being referred over private vehicle use.
85. Saved policy T2 advises that development should be within walking distance of facilities and transport routes.
86. Saved policy T3 seeks safeguarding of existing transport routes and the provision of cycle parking for occupants/visitors.
87. Saved Policy H2 requires that development is not detrimental to 'the safety of local roads'.
88. Also of relevance is LP saved policy H2, requiring housing provision which is accessible to a range of employment, shopping and other facilities, and saved policy DG1 that requires connecting effectively with existing routes and spaces and putting people before traffic.

89. Core Strategy policy CP4 states that 'residential development should achieve the highest appropriate density compatible with the protection of heritage assets, local amenities, the character and quality of the local environment and the safety and convenience of the local and trunk road network'.

*Vehicular access point*

90. The vehicular access point itself is approximately half-way up the western boundary of the site, utilising an existing access point onto Stoke Hill.
91. The LHA consider that this access point would be suitable, with sufficient visibility shown in line with Manual for Streets guidance, based on the largest vehicle being refuse lorries. It is queried whether larger vehicles may need to access the site for deliveries to the community hub, however this is possible to be controlled via condition at Reserved Matters stage depending on the confirmed uses of the community hub building.

*Vehicle Movements and Highway Safety*

92. Access is being considered as a matter as part of this Outline application, with a sole vehicular access proposed on the north-west boundary, onto Stoke Hill, and a single pedestrian access point in the south-west corner, also onto Stoke Hill. To provide safe pedestrian/cycle access to the wider area it is proposed to create a footpath leading from the pedestrian entrance of the site, down Stoke Hill to connect with the entrance to Mincinglake Valley Park. It is then proposed to continue this new footpath going south, up Stoke Hill, connecting to an existing footpath by the Stoke Hill/Mincinglake Road junction.
93. There were originally additional pedestrian access points on the eastern side of the application site, connecting into Mincinglake Valley Park. These were removed due to concerns raised regarding the introduction of hard landscaping for the pathways, level of groundwork needed, the intrusion of additional lighting, ecological impacts and harm to Mincinglake Valley Park.
94. The original Transport Assessment included vehicle trip rates that the Local Highway Authority (LHA) objected to. The LHA noted that the trip rate calculations were based a central avenue near Beacon Lane that is not readily comparable. This central avenue is located in close proximity to bus services and good walking/cycling route connections which this scheme does not provide. It was recommended that a more appropriate comparison should be used and submitted.
95. Revised trip generation calculations have provided using St Bridgets Nursery as a comparison site. This was also not considered to be a comparable site, being positioned in close proximity to bus and cycle routes as well as a Tesco superstore, Rydon retail park and Ikea. A suitable edge of city/town site with comparable features

must be used to allow a suitable understanding of the level of vehicle movements that will be produced.

96. It is noted within the Transport Assessment (TA) that the provision of the community hub on site will reduce vehicle movements due to internal facilities being provided.
97. When considering this statement it is of relevance that the TA and the additional Technical Notes have not considered that a sequential site selection for town centre uses will be required and that daily use aspects, such as a shops, may not be acceptable in this location. This will result in occupants continuing to use private vehicles to access district and local centres in order to access facilities.
98. As previously stated there will be visitors to the site in order to access the uses of the community hub. The TA and Technical Notes do not include any information on an estimated level of visitors to the site.
99. If providing facilities such as a farm shop or offices, as shown on the indicative plans and commented on in the TA, then there would likely be a significant increase in vehicular movements to the site, especially considering the location and steep pedestrian/cycle access routes that would deter non-motorised visitors.
100. These matters are not included in the calculations and therefore an accurate portrayal of trip generation from the community hub has not been presented for assessment as part of this application.
101. It is evident that whatever the exact trip generation is, it will be a significant increase upon that presented to the Council in the current form and that due to the detached location and topography of the site there will be a reliance on private motor vehicle usage.
102. The application has therefore not acceptably demonstrated vehicular trip levels for the scheme, and it is considered that they will be in excess of that presented to the LPA with a significant reliance on private motor vehicles. Such an increase in vehicle movements would likely see an increase in highway safety issues, especially when considering the pinch point and sharp bends on Stoke Hill. The proposal is therefore contrary to LP policies T1, T2 and T3.

#### *Pedestrian/Cycle Access Point*

103. Pedestrian access is proposed in the south-west part of the site connecting to Stoke Hill. It is then proposed to install a pedestrian footway along the southern side of Stoke Hill leading to the entrance to the Mincinglake Park car park junction. There is then an existing footway continuing south along Stoke Hill for a small distance and it

is then proposed to install a significant length of 2m wide footway leading all the way up Stoke Hill to the south to meet the junction with Mincinglake Road and existing footways.

104. The submitted documents advise that there is an existing access point in this location. This area was very overgrown when visited, and an access point was not readily visible. It was also noted that there is a gully and parcel of land between the public highway and the site boundary.
105. The LHA raised concerns over where the access point connects to the public highway, noting that there is an area of unregistered land that is not in control of the applicant that is needed for the pedestrian connection.
106. The submitted Technical Note (06 June 2024) paragraphs 2.2-2.8 confirm that there is an area of land that is not Highway Maintainable at Public Expense (HMPE) and outside the red line of the application site. The Technical Note advises that the applicant is confident that the connection can be delivered through the use of Section 228 of the Highway Act. This is typically used to adopt a footpath over unregistered land. It would require the proposal to be advertised and if no registered owner comes forth it can be declared as HMPE and the footway installed as required.
107. The concern with this approach is that safe pedestrian access and active travel routes are a fundamental aspect of sustainable development and a failure to secure this land as HMPE would result in an undeliverable scheme. There is therefore a need to secure this land as HMPE at an appropriate point in the development approval process.
108. Legal advice was sought and it was concluded that securing the of the unregistered land as HMPE should be demonstrated at submission of the first Reserved Matters application, with delivery of the footway links prior to first occupation or use of the community hub building. This can be secured via a Grampian condition on any approval notice.
109. On-site the land has a steep gradient and to overcome this it was originally proposed for the access to be via steps with a bicycle assist ramp. This failed to meet accessibility requirements and a revised scheme was subsequently submitted. This new design consists of a longer route with no steps and with a gradient of no greater than 1:10. At this stage the revised access route is still being assessed by the Local Highway Authority and an update will be provided prior to the Planning Committee.
110. There option to provide stepped access as a more direct route is still a possibility in addition to this more accessible route. This would be an aspect for a Reserved Matters application.

*Footway Road Safety Audit*

111. In response to objections over safe pedestrian routes outside of the site it is now proposed to install a footway from the access point on the bend of Stoke Hill, running south past the entrance to Mincinglake Valley Park and then continuing up Stoke Hill to connect with existing pavement by the Mincinglake Road junction.
112. The revised documents included a Stage 1 Road Safety Audit (RSA) to demonstrate that this was a suitable and safe aspect to provide.
113. Appendix G of the Transport Technical Note states that a number of problems noted in the RSA will be 'addressed at Reserved Matters stage in the usual manner'. The LHA objected to this as it was not an 'acceptable response under GG19 standards. It should also be noted that this is an Outline Application, and the details of the accesses must be provided at this stage.'  
N.B. This should refer to GG119, which provides the requirements for a road safety audit for highway schemes.
114. Access is being considered as part of this Outline application and therefore it is necessary to ensure all relevant highway matters are considered in relation to this. However, it is acknowledged that the majority of the problems stated in the Transport Technical Note could be dealt with via condition or at Reserved Matters, such as trimming of overhanging branches, clearing of gullies and provision of signage. Whilst Highways may not consider these aspects to be adequate, in planning terms they would be acceptable measures to deal with at a later stage.
115. RSA ref 5 (within Appendix G) is of significance though, stated that there is an identified 'risk of head-on or side-impact vehicle collisions due to the narrower carriageway widths post-construction of the proposed footway extents'. Following objections from the LHA swept path drawings were submitted for assessment. Due to the submission of these at a late stage in the assessment process they are currently under assessment by the LHA and an updated response will be provided prior to Committee via an additional information sheet.
116. The Local Highway Authority also advised that the submitted RSA does not use 'the most up-to-date information for Personal Injury Collisions (PIC) which has been available for the previous 10 months'. As noted in a number of public comments and confirmed by the LHA there has been a severe PIC on Stoke Hill in recent months and this must be taken into account.
117. A second Technical Note was submitted which included one serious collision incident to the south of the site, 23 metres from the junction of Stoke Hill and Collins Road.
118. Whilst the Technical Note specifically notes that there were no pedestrian casualties in recent accidents it should be noted that there is not currently a pedestrian footway running along Stoke Hill and there is limited reason for pedestrians to be following the road, a situation which would change with the proposed development.

119. There are also a number of anecdotal examples of single vehicle crashes on Stoke Hill that have been referred to by objectors. These appear not to be included within the official accident statistics, and may not have been formally reported to the relevant authority.
120. It is the view of the LHA that even with the provision of a footway link there would still be a 'severe and unacceptable impact on highway safety as this development would increase the numbers of vehicle movements which would likely increase the risk of pedestrian and vehicular conflict on Stoke Hill.' Of particular relevance is the shar[bend on Stoke Hill by the pedestrian access point to the application site.
121. It is therefore considered that the proposal creates unacceptable highway safety impacts and fails to meet the requirements of CS policy CP4 and LP policy H2 that development be compatible with the safety of the local and trunk road network.
122. It is noted that the RSA mentioned the need for street lighting to increase safety for pedestrians/cyclists on the footways leading to the site on Stoke Hill. This will be addressed in the Ecology and Biodiversity section of this report.

#### *Other Access Matters*

123. The LHA advised that if the proposal was to be approved there would be a significant impact on the Stoke Hill roundabout, and that cycle links to the site would need to be improved. Financial mitigation for improvements to this was requested for £106,250 for improvements to the roundabout and the E3 cycle route.
124. The Exter Cycling Campaign raised objections on a number of reasons. The access links into Mincinglake Park itself have now been removed from the scheme and mitigation is proposed to improve the cycle network in the vicinity of the site. Details of cycle stores was also requested by them, but due to the Outline nature of this application these details will form part of any Reserved Matters applications.
125. Devon and Somerset Fire and Rescue Service raised a query regarding fire vehicle access within the site. This was based on the indicative plans and access to dwellings within the site. The submitted site layout is illustrative and is not an approved plan and therefore this is a Reserved Matters issue.
126. In relation to sustainable transport options it is proposed to provide space for a car-club and electric bike hire facilities. This is in line with SPD guidance requirements with details to be provided at Reserved Matters and delivery to be secured via condition.
127. It has been shown that the applicant has been in conversation with Stagecoach who advised that they may be able to look at a detour or extension of routes to include



this development. It is acknowledged that this scheme is at Outline and the exact details of this would likely form part of the Reserved Matters.

128. However, considering the location on the edge of the city detached from the surrounding housing developments, accessed solely by a steep and road with sharp bends and pinch points and with only 85 dwellings being served it is not likely that such a bus route will be deliverable. The closest current bus stops are at Mincinglake Road. Whilst this is a 7 minute walk from the boundary of the application site long route within the site and the steep nature of Stoke Hill. This would exclude wheelchair users, those with mobility issue or those with buggies/pushchairs from readily utilising these services and would lead to a reliance on private motor vehicle use.

### *Conclusions*

129. It is considered that this application, due to the location on the edge of the city, detachment from the surrounding built form, limited public transport, provision of community hub, and the topography of the surrounding area there will be a reliance on private motor vehicles by residents and visitors with an associated unacceptable increased risk to highway safety contrary to LP saved policies T1, T2, T3, H2 and DG1 and CS policy CP4.

### **Ecology and Biodiversity**

130. Local Plan saved policy LS4 states that development that would harm a site of nature conservation importance, a site of local interest for nature conservation, a regionally important geological/geomorphological site, landscape features which are of importance for wild fauna, or wildlife corridors will only be permitted if:
- a) The need for the development is sufficient to outweigh nature conservation considerations; and
  - b) The extent of any damaging impact is kept to a minimum and appropriate mitigation and compensatory measures are implemented.
131. Core Strategy policy CP16 requires (alongside other aspects) protection and enhancement of environmental assets, protection of the hills to the north of Exeter and protection of Valley Parks. It also requires protection of the biodiversity value of Stoke Woods Site of Special Scientific Interest and sites of national, regional and local conservation importance with suitable mitigation for any unavoidable impacts.
132. Paragraph 180 of the National Planning Policy Framework (Dec 2023) is also of relevance, stating that decisions should contribute and enhance the natural and local environment through protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside and minimising impacts on and providing net gains for biodiversity.

133. The site is located immediately adjacent to Mincinglake Plantation County Wildlife Site (CWS) to the east and Lower Covert CWS to the west. It is also located within the North Exeter Wooded Hills and Meadows Habitat Reservoir as identified within the Green Infrastructure Strategy.
134. The site is characterised by mature species-rich semi-natural habitat corridors along the four boundary edges. An Ecological Impact Assessment was submitted with the proposal which demonstrate that the site is of significant value for wildlife/biodiversity including several bats, dormice, slow worms, grass snake and common lizard.
135. It should be noted that the application was submitted prior to the mandatory 10% biodiversity net gain being introduced. In line with Paragraph 180 of the NPPF it is therefore only required to demonstrate that there will be an overall net gain from the scheme, rather than a specific level of increase.
136. The Council's Ecologist and the Tree Manager were consulted on the proposal and raised objections to the proposal stating that further information was required. An Ecological Impact Assessment Technical Note and a Response on Tree 1 Veteran Oak were then submitted in response to this.
137. In relation to trees the initial objection was solely in relation to the installation of permanent hard surfacing within the root protection area and ecological buffer zone of T1 – Oak. This tree is located within the access area covered by this application, by the vehicular entrance, and was assessed as a veteran oak tree in good condition with a 35 metre radius. Whilst parts of the works by the tree could be undertaken with a no-dig cellular confinement system (for the footpaths and cycleways) the vehicular highway would need to be a hard, impermeable surface to meet Devon County Council highway adoption standards.
138. Following submission of the Response on Tree 1 the objection remained, advising that 'current guidance recommends that development proposals are not approved within a Buffer Zone.' The response notes that the proposed new footpath and highway breach the minimum Root Protection Area and also the recommended Buffer Zone. It was also stated that the impacts from encroachment will be both short term and long term. 'Short term will be root loss through asphyxiation which could lead to a decline in the tree. Long term the proposal for a highway and footpath will lead to air and soil pollution (runoff from roads containing chemical pollutants which will contaminate the soil.
139. Compensation has been put forward through additional on-site planting, however the merits of this tree outweigh the compensation proposed.
140. A site visit was also held between the Council's Tree Manager and the applicant's arboriculturist and it was confirmed that there is still an objection for the reasons previously stated.

141. The harm that will be caused to this veteran tree is considered to be significant and the proposal is contrary to CS policy CP16 and paragraphs 180 and 186 of the NPPF.
142. With regards to the wider site ecology and biodiversity, the originally submitted ecological survey data was queried by the ECC Ecologist and Devon Wildlife Trust as the submitted surveys are three years old this coming season.
143. The ECC Ecologist accepted that the baseline is largely unchanged based on the submitted March 2023 survey update and that since Annex II bats, dormice and reptiles were previously recorded the impact assessment and necessary mitigation is unlikely to significantly change with updates.
144. In relation to bats in trees and the common pipistrelle and lesser horseshoe roosts recorded on site there is further survey work needed before this matter is deemed acceptable. Due to the other refusal reasons established in this report this application has been put forward for decision without these further surveys being undertaken as their submission would not change the overall outcome.
145. The other submitted surveys were considered acceptable for this Outline application, but that the dormice, reptiles and bat activity surveys are not likely to be acceptable beyond three years as the populations may have significantly changed. A condition was recommended for the Reserved Matters application(s) to be accompanied by updated surveys to ensure they are taken into account in when designing the site.
146. In addition, conditions were recommended for a Construction Environment Management Plan, Landscape and Ecological Management Plan and a finalised Ecological Mitigation and Enhancement Plan.

Significant concerns have been raised over light levels created by the proposal. Internal roads and footpaths will need appropriate lighting and it must be demonstrated that this will not generate significant harm at this stage, regardless of the final layout design at reserved matters. Links to the wider Mincinglake Valley Park have been removed, in part to deal with this issue, however there will still be a need for other internal routes and the level of harm caused by lighting must be considered at this Outline stage.

147. The submitted details stated that lighting would not be required along Stoke Road nor the access points, however in the interests of public safety and to encourage active travel there would need to be streetlight installed as part of the new Stoke Hill footway, with this noted in the submitted Stage 1 Road Safety Audit.
148. The proposed footway along Stoke Hill includes areas that adjoin the southern boundary of the Lower Court County Wildlife Site. This area is suitable habitat for Annex II bats and any lighting in this area may cause significant impacts to them.

149. A Lighting Impact Assessment and further bat survey that includes these areas is therefore required to understand the ecological impacts of the proposals and whether there will be unacceptable harm generated.
150. As with the additional bat survey work it is not considered appropriate to request this at this time as it will not alter the overall recommendation of refusal for this scheme.
151. It was advised that a Phase 2 Habitat survey is being undertaken by the applicant's ecologist. This has not been submitted with the application and it is therefore not possible to understand the significance of the impact on biodiversity in line with NPPF paragraph 186 without this survey information. As well as on-site biodiversity mitigation this aspect is of relevance to ensure that the increased recreational impacts on the Mincinglake Plantation County Wildlife Site from the development are considered.
152. In their initial objection the ECC Ecologist requested an Ecological Mitigation and Enhancement Plan, however this has not been submitted. They advised that there is insufficient certainty to secure important landscape and enhancement features such as buffer widths that would shape the Reserved Matters layout.
153. The application was submitted prior to the 10% biodiversity net gain requirement but does still need to demonstrate an overall net gain to meet NPPF requirements. Submitted documents show a predicted 43.7% loss of biodiversity from this development.
154. The submitted documents state that 'the applicant intends to use off-site land to the north-west to provide biodiversity enhancements, whilst also addressing potential recreational impacts on the neighbouring County Wildlife Site through the provision of footpaths separated by native scrub and tree planting. This area was previously discussed in the 'principle of development' section of this report, with it noted in the Planning Statement that 'our client could provide a significant area of land to the east of Mile Lane which could link up with the open space proposed for the development at Spruce Close and Celia Crescent, all extending across to Mincinglake Valley Park (significantly increasing the scale of Mincinglake Valley Park). This expanded tranche of "green" land, would provide Council controlled space for recreation and wildlife across the higher land to the north of the conurbation, protecting the city's skyline in perpetuity, forming a backdrop to the City, and retaining the higher, visible hills from development.'
155. As stated previously this land has not been included as part of this application, just with a reference that it 'could' be provided. If it becomes part of the public open space then this function would need to be taken into account when calculating the BNG gains that can be provided as well as ensuring it is of an appropriate type.
156. The site is also within the zone of influence for the protected Exe Estuary Special Protection Area (SPA). Residential development will impact on the protected habitat

due to increased visitor pressure. There is an existing financial mitigation process in place through the South East Devon European Site Mitigation Strategy which is calculated at a current payment of £1,239.83 per residential unit.

This is top-sliced from Community Infrastructure Levy (CIL) payments, however the 35% Affordable Housing units would not be CIL liable. It is therefore required to include these mitigation payments through the S106 Agreement.

157. In conclusion, the lack of survey, biodiversity net gain and lighting impacts means that the application fails to demonstrate there will not be significant harm to biodiversity through habitat loss, priority bat species, County Wildlife Sites and important wildlife corridors as a result of habitat loss and/or degradation from lighting, habitat removal and recreational pressure. The proposal is contrary to LP saved policy LS4, CS policy CP16 and NPPF paragraphs 180a) and d) and 186a) and d).

### **Amenity**

158. LP saved policy H2 and CS policy CP4 require that housing developments are at the highest density without detriment to local amenity. LP saved policy DG4 requires that residential development should take into account impacts on the local area and ensure a quality of amenity which allows residents to feel at ease within their homes and gardens.
159. The exact site layout will be dealt with at Reserved Matters, however it should still be demonstrated that it is possible for dwellings to be built without generating significant amenity impacts.
160. To the north the closest dwelling is The Old Barn, with the nearest part of that building being 37 metres from the site boundary. This is the closest dwelling to the application site, and is recommended SPD distances between dwellings, assuming a worst case positioning with a new property on the site boundary.
161. To the west of the site dwellings are separated by Lower Covert and a distance of 130 metres at the closest point with additional woodland screening.
162. To the south the closest dwelling is 145 metres distance and separated by Stoke Hill and part of Mincinglake Valley Park.
163. There are no dwellings to the east of the site, with it bordering Mincinglake Valley Park.
164. These distances are considered to allow development within this site, regardless of the eventual layout, that will not significantly impact on the outlook, light, privacy or other amenity of neighbouring properties in accordance with policy requirements.

165. In a similar manner occupant amenity is within acceptable limits for this Outline application based on neighbouring land uses. The primary consideration of occupant amenity will be dealt with at Reserved Matters stage.
166. Neighbour amenity is not the only aspect to be considered and the impacts on the tranquil amenity of the Mincinglake Valley Park must be assessed.
167. The development will see residential development on the hill to the north and north-west of the Valley Park which will likely be visible and will see associated noise impacts from vehicle movements and general occupation. There will therefore be an impact on the existing amenity of the Valley Park contrary to CS policy CP16 and LP policy LS1. This matter will be incorporated into the landscape setting refusal reason.

### **Contamination**

168. LP policy EN2 requires site assessments where there is considered to be a risk of contamination.
169. A Phase 1 contamination assessment was submitted with the proposal which stated that whilst there is unlikely to be significant contamination across the site the past/present land uses may see localised areas of contamination. The assessment recommended that further investigation, through an intrusive Phase 2 assessment, be undertaken with remediation as required.
170. The Council's Environmental Health team raised no objection on these matters subject to a condition requiring a Phase 2 assessment and details of remediation measures to be submitted at Reserved Matters or prior to commencement in line with LP policy EN2.

### **Archaeology**

171. The application site is not within an Area of Archaeological Importance, however there are two Scheduled Ancient Monuments to the north-west of this location consisting of a Roman Signing Station and a Roman Hill Fort.
172. In light of this there is the potential for archaeological deposits in this area and appropriate protection must be put in place.
173. The Council's Heritage Officer raised no objection to the development subject to a pre-commencement condition for a Written Scheme of Investigation and pre-occupation condition for a post investigation assessment.

174. With the use of these conditions it is considered that the heritage risks can be successfully managed in accordance with LP policy C5.

### **Air Quality**

175. LP saved policy EN3 states that 'development that would harm air or water quality will not be permitted unless mitigation measures are possible and are incorporated as part of the proposal'.
176. CS policy CP11 requires development to be 'located and designed so as to minimise and if necessary, mitigate against environmental impacts'.
177. An Air Quality Assessment (AQA) was submitted with the proposal, however it was noted by the Council's Environmental Health team that it was based on predicted traffic flows and as these were not agreed by the Local Highway Authority the AQA could not be agreed and appropriate mitigation measures put in place.
178. This was not considered to be a suitable reason for refusal, as these matters could be dealt with via condition. It is therefore recommended to place a pre-commencement condition on any approval for an updated AQA to be submitted, with mitigation measures as necessary.

### **Drainage**

179. Core Strategy policy CP12 requires development to utilise sustainable urban drainage where feasible and practical.
180. Local Plan saved policy EN4 requires that development does not increase the likelihood of flooding or be at risk from flooding. This is further supported by Core Strategy CP12 that sets a sequential test assessment for sites and requires appropriate mitigation measures.
181. LP saved policy EN3 requires that development does not harm water quality without acceptable mitigation measures incorporated into the development.
182. NP policy D1(e) requires that development adopt the principles of sustainable urban drainage.
183. The site is within Flood Zone 1 and is not within an area identified at being at risk of coastal or fluvial flooding. It is situated approximately 100m east from the floodplain of the North Brook, however there is raised land between this and the application site and this is not considered to create flood risks to the site.
184. Due to the topography of the site there are two catchment areas for surface water.

Catchment 1 is in the north-east of the site and consists of attenuation basin linking to an existing watercourse. Catchment 2 is the western edge and southern parts of the site and consists of a series of attenuation basins linking to a watercourse. Both areas are proposed to be managed by flow control systems to ensure acceptable levels of surface water drainage from them.

185. The Lead Local Flood Authority requested clarification on a number of technical aspects and these were provided by the applicant. They raised no objections to the scheme subject to a condition requiring the following information at Reserved Matters stage:
- Soakaway testing
  - Detailed drainage design
  - Management of surface water and silt run-off during construction
  - Adoption and maintenance details
  - Exceedance flow routes plan
  - Evidence of agreement in principle between landowner/DCC/SWW
  - Detailed assessment of condition and capacity of existing drainage systems/watercourse/culvert being connected to and identify repairs/improvements that are necessary.
186. The submitted Drainage Strategy advises that there are no South West Water foul water sewers on the site or in the immediate vicinity. A pump station will therefore be required to facilitate foul waste flow, which will require a main and gravity sewer connecting to an existing combination sewer located in Galmpton Rise, 160 metres to the south-west of the site.
187. The development is considered to be acceptable in terms of drainage considerations and accords with national and local policy subject to detailed technical design information being provided at Reserved Matters stage. It is recommended to secure the submission of this information via condition.

### **Green Space and Play**

188. LP saved policy DG4 requires that family housing proposals 'should provide 10% of the gross development as level open space, including equipped children's play space. Unless there is an open space and play provision in the area which is well located and of sufficient size and quality to serve the development'.
189. LP saved policy L4 requires contribution to the provision of youth and adult play space.
190. As the layout is not a matter being secured as part of this Outline application it is necessary to place a condition requiring a minimum 10% of site to be level open space and for this to be demonstrated at Reserved Matters application stage.



191. The Council's Green Space team advised that the scale of development would require a Local Area for Play (LAP) and a Local Equipment Area for Play (LEAP) within the site for use by residents. In addition, a financial contribution would be required towards provision of a Multi-Use Games Area (MUGA) in the nearby area to provide facilities for older children and teenagers. These measures would be secured through a S106 Agreement.
192. With these measures secured through legal agreement and conditions it is considered that an acceptable level of open space and play provision will be delivered through this development.

### **Energy and Waste**

193. LP saved policy DG2 requires that development be laid out and designed to maximise the conservation of energy.
194. CS policy CP13 requires new development of 10 or more dwellings to connect to any existing or proposed Decentralised Energy Network.
195. CS policy CP14 requires development of 10 or more dwellings to use decentralised and renewable or low carbon energy sources to cut predicted CO2 emissions by at least 10% above Building Regulations.
196. CS policy CP15 requires domestic development to achieve above the Code for Sustainable Homes Level, although it is acknowledged that Building Regulations have now superseded this requirement.
197. The layout and detailed design of the development will be dealt with at Reserved Matters and therefore these requirements will form part of the detail required to be submitted at that stage.
198. It is acknowledged that there are not currently any Decentralised Energy Networks (DEN) within the immediate area, however there is the possibility of them coming forward in the future. It is therefore appropriate to place a condition requiring connection to a DEN if it is at all possible at the time of Reserved Matters or delivery. This will ensure compliance with CS policy CP13.
199. A Waste Audit Statement was submitted with the application, which advised that detailed information will be provided at Reserved Matters stage. DCC Waste Planning were consulted on the proposal and raised no objection to this, subject to a condition to secure this in accordance with Devon Waste Plan policy W4.

## **Housing Supply and Affordable Housing**

200. The proposal will deliver 85 dwellings and this will help towards meeting housing delivery requirements and targets for the Council. The application includes a 35% level of Affordable Housing (AH), which is compliant with CS policy CP7 and the First Homes Statement. It is acknowledged that there is a significant demand for AH in the city and this proposal will assist in meeting this.
201. In relation to the weight to be given to these aspects it is important to note that a new version of the NPPF was released in December 2023 and this changed the housing land supply for local authorities at Regulation 18 or 19 stage of a new local plan. Exeter is currently at Regulation 18 Stage of the Exeter Plan and as such now has a 4-year land supply requirement, rather than the previous 5 years. The Council can currently demonstrate a 4-year land supply and therefore the tilted balance in favour of development set out in paragraph 11d of the NPPF is not in effect.
202. Whilst the provision of housing is still given positive weight the LPA does not have to demonstrate the significant adverse impacts that outweigh the benefits as previously required under the tilted balance. The provision of housing is therefore given neutral weight and affordable housing is given moderate weight in this assessment.
203. The housing land supply position is of particular significance in relation to the use of the recent appeal decisions at Pendragon Road and Spruce Close by the applicant to try and justify a precedent for development. These developments saw given significant weight given to the delivery of housing due to the failure, at that time, to meet the 5-year housing supply requirements. As the required level of housing provision can now be met it is considered that there is no clear precedent of acceptability set by comparison of those schemes and this application.

## **Planning Obligations**

204. The NHS Integrated Care Board advised that nearby medical surgeries are at capacity and will not be able to absorb the additional patient numbers without additional facilities. A contribution of £377 per dwelling is therefore requested to allow expansion of Mount Pleasant Health Centre, Isca Medical Practice, Southernhay House Surgery – The Branch Surgery or Whipton Surgery.
205. DCC Education advised that a proposal of 84 dwellings would generate an additional 21 primary and 12.6 secondary school pupils. However, including housing allocations and unimplemented permissions, it is forecast that the local primary, secondary and early years providers have sufficient spare capacity for the pupil numbers generated. There is therefore no request for a financial contribution against this application.

206. DCC as Local Highway Authority advised that It was demonstrated that the site would have an impact on the Stoke Hill roundabout and financial mitigation for improvements to this was request for £106,250 for improvements to the roundabout and the E3 cycle route.
207. ECC Public and Greenspace team advised that a LAP and a LEAP would be required, as well as a financial contribution towards a MUGA for older children and teenagers.
208. The 35% Affordable Housing provision, in line with SPD and the First Homes Policy Statement will be secured through the S106 Agreement.
209. Habitat Mitigation of £1,239.83 per residential unit for each Affordable Housing Unit to mitigate for recreational harm to the Exe Estuary SPA.
210. Management company to manage/maintain public open space on the site.
211. These obligations would be secured by an appropriate legal agreement.

### **Other Matters**

212. Objections received by the public made reference to the existing agricultural barn and that it is not permitted for the use to change. It is proposed to retain the structure but change the use to a community centre, with the indicative drawings showing a café/restaurant and farm shop as part of this area.  
The agricultural barn was permitted through the prior approval process set out under Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2014 (as amended) under LPA decision 17/1940/AGF.  
Agricultural buildings constructed through this process are subject to conditions set out in the GPDO, including A.2(5) (a) and (b) which state that:
  - a. *Where development consists of works for the erection, significant extension or significant alteration of a building and—*
  - b. *the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and**planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased, then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.*

213. In this instance planning permission has been sought for an alternative use of the building, as permitted under paragraph (b) in accordance with the requirements of the GPDO and there is no breach of the conditions of the original barn approval.

### **Planning Balance**

214. As set out previously the tilted balance in favour of sustainable development is not in effect and therefore full consideration must be given to the harm caused by this proposal as well as the benefits.
215. The benefits of the scheme include up to 85 new dwellings alongside a policy compliant 35% Affordable Housing provision helping to deliver new housing in the city. There will also be benefits through new play areas and open space as well as highway improvements through a new footway along Stoke Hill and improvements to Stoke Hill roundabout and the E3 cycle route. Alongside this there will be financial contributions towards expansion of local GP surgeries to mitigate for the increase in population in this area.
216. The community hub will also provide benefits to the local area through community space and potential employment or other uses, subject to sequential tests at Reserved Matters stage for acceptability. There will also be direct and indirect employment and financial benefits during the construction phase.
217. The site is on the edge of the city and is not directly attached to any existing urban development, with Mincinglake Valley Park immediately adjacent, with access up via steep and narrowing highways with no existing public transport links.
218. The proposal fails to demonstrate an accurate portrayal of trip generation which combined with the location, limited public transport facilities and lack of accessible routes will lead to a significant reliance on private motor vehicles and associated increase in highway safety issues contrary to LP saved policies T1, T2, T3, H2 and DG1.
219. In addition, the pedestrian access within the site and the provision of the footway along Stoke Hill have not currently been demonstrated as safe and acceptable, with the LHA currently examining this aspect further.
220. The retention and use of the existing barn as a 'community hub' is more akin to a 'retail attraction' that will create a split between the two developable areas of the site failing to create integration between them and leaving a blank area outside of opening times that is harmful to the overall amenity of the development contrary to Core Strategy policy CP4 and Local Plan First Review 1995-2011 saved policies AP1, H2 and DG1.

221. It has not been demonstrated that there will not be significant harm to biodiversity through habitat loss, priority bat species, County Wildlife Sites and important wildlife corridors as a result of habitat loss and/or degradation from lighting, habitat removal and recreational pressure. The proposal is therefore contrary to Local Plan First Review 1995-2011 saved policy LS4, Core Strategy policy CP16 and National Planning Policy Framework (December 2023) paragraphs 180a) and d) and 186a) and d).
222. In addition, the proposal will result in significant harm to the T1 veteran oak tree through incursion into the root protection area contrary to Core Strategy policy CP16 and National Planning Policy Framework (December 2023) paragraphs 180 and 186.
223. It is acknowledged that some of the matters identified could be addressed through the application process by submission of additional information. However, the application has been through one set of revisions as part of the assessment and additional information would not resolve the significant and in-principle refusal reasons caused by the proposed development of an unallocated greenfield site situated in the Landscape Setting Area of the northern hills and significant harm would occur through development.

## **17.0 Conclusion**

As set out in the 'Planning Balance' section above there are significant, unacceptable areas of harm that will be produced by this proposal that outweigh the positives of delivering housing, affordable housing and employment to this area.

The site is within a Landscape Setting Area and has been assessed a number of times as to its suitability and the HELAA and landscape studies all concluded that it was not a suitable site for residential or employment development. This supports existing and emerging development plan policies and demonstrates that the proposal is, in-principle, unacceptable for this location.

The layout of the site will see two separate parcels created, divided by a 'community hub' that is more akin to a retail destination, creating a division and lack of integration between the two aspects as well as an area that will be dominated by car parking for users of this building.

The development's location on the edge of the city in an area with steep topography, combined with limited public transport and the provision of the community hub facilities will see an overall reliance on private motor vehicles and will see an associated increase in risk to highway safety.

It has also not been demonstrated that there will not be significant harm to biodiversity through habitat loss, harm to bat species, County Wildlife Sites and

important wildlife corridors through not only the on-site development but also enabling works such as footway provision on Stoke Hill.

In addition ,there will be significant harm to a veteran oak tree through incursion into its root protection area.

There have been two recent applications allowed at appeal to the east of Mincinglake Valley Park, however these were determined when the Council could not demonstrate a 5-year housing supply and the tilted balance was in effect. It is also of note that a number of appeals for housing have also been dismissed in a Landscape Setting Area, demonstrating that it is not a clear-cut acceptability of development even with the tilted balance. Following updates to the NPPF the Council can now demonstrate a 5 year 1 month housing land supply, against a requirement for 4 years, and the tilted balance no longer applies.

It is acknowledged that some aspects of the application may be resolvable, however due to the in-principle significant harm to the Landscape Setting Area and acceptance of a first set of revisions it is not considered appropriate to request further revisions or information as it will not change the significant harm being caused.

Whilst there are benefits to the scheme these are considerably and significantly outweighed by the harm caused and the proposal is therefore considered unacceptable and recommended for refusal.

## **18.0 Recommendation**

Refusal for the following reasons:

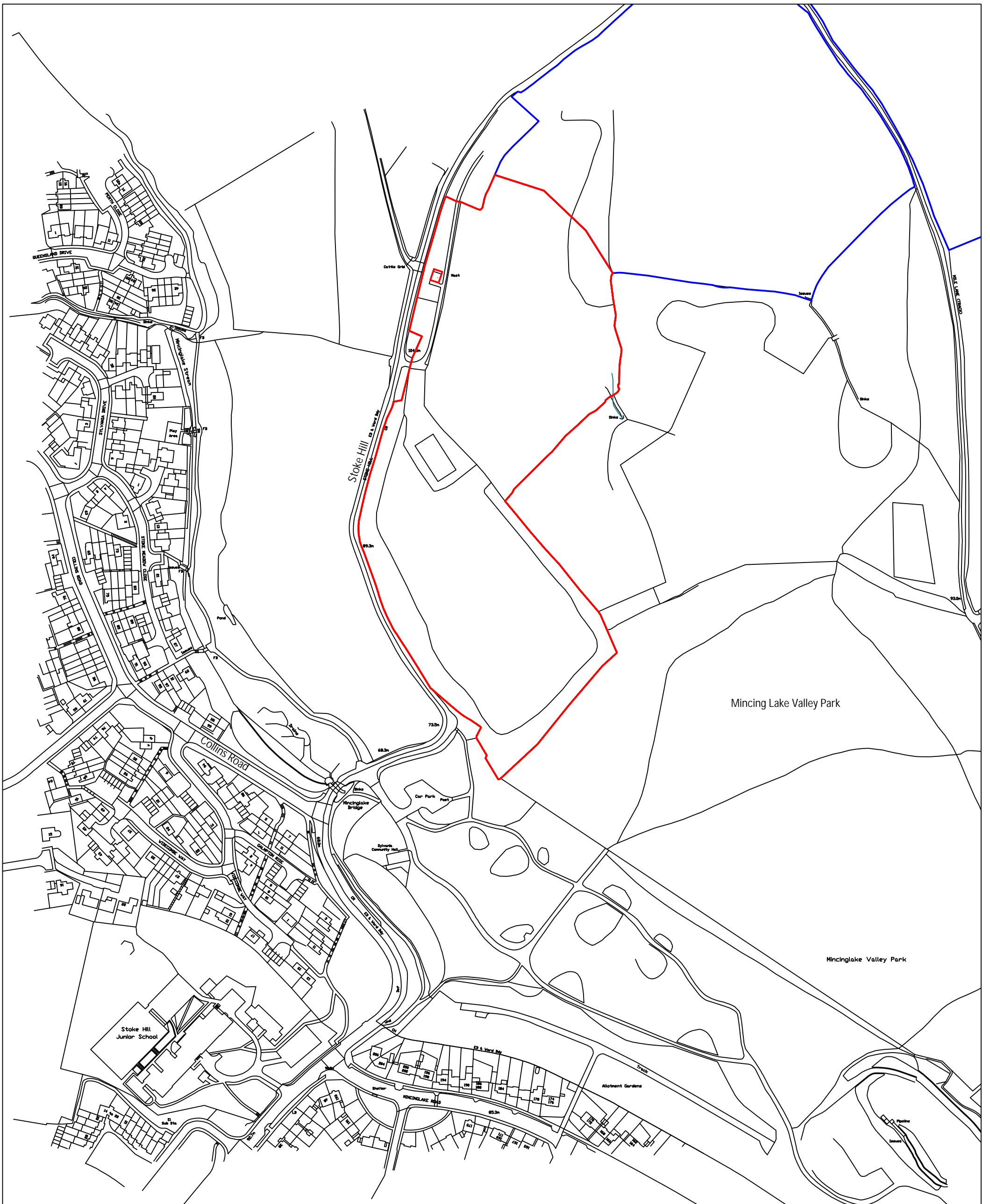
1. The proposed development would harm the character and local distinctiveness of the The proposed development would harm the character and local distinctiveness of the hills to the north of the city, and the landscape setting of the city. It would create a piecemeal urban development on a greenfield site in the designated Landscape Setting Area that would be visible from adjoining public spaces, and public and private routes and spaces within the wider urban area. It would appear incongruous and not in keeping with the rural character of the hillside and Mincinglake Valley Park. It is therefore contrary to Policy CP16 of the Exeter Core Strategy, the spatial element of saved Policy LS1 of the Local Plan First Review 1995-2011 and paragraphs 135c) and 180a) of the National Planning Policy Framework (December 2023).
2. The proposed development would see a reliance on private motor vehicles, due to the location of the site on the edge of the city, limited public transport, provision of community hub, and steep topography of the surrounding area, with an

associated unacceptable increase to highway safety, contrary to Policy CP4 of the Exeter Core Strategy and saved Policies T1, T2, T3, H2 and DG1 of the Local Plan First Review 1995-2011.

3. The proposal would create significant harm to biodiversity through habitat loss, impact on priority bat species, County Wildlife Sites and important wildlife corridors as a result of habitat loss and/or degradation from lighting, habitat removal and recreational pressure. The proposal is contrary to Policy CP16 of the Exeter Core Strategy, saved Policy LS4 of the Local Plan First Review 1995-2011 and paragraphs 180a)d) and 186 a)d) of the National Planning Policy Framework (December 2023).
4. The proposal would result in significant harm to a veteran oak tree (T1) on the site through incursion of built development into its root protection area contrary to Policy CP16 of the Exeter Core Strategy, saved Policy DG1 of the Local Plan First Review 1995-2011 and paragraphs 180 and 186 of the National Planning Policy Framework (December 2023).
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 provision
  - £1,1239.83 per Affordable Home unit to mitigate for recreational harm to the Exe Estuary Special Protection Area.
  - Provision of a LAP and LEAP on site and financial contribution towards an off-site MUGA.
  - £106,250 for improvements to Stoke Hill roundabout and the E3 cycle route.
  - £377 per dwelling for GP expansion of Mount Pleasant Health Centre, Isca Medical Practice, Southernhay House Surgery – The Branch Surgery or Whipton Surgery.
  - Management company to manage/maintain public open space on the sitethe proposal is contrary to Exeter Core Strategy Policies CP7, CP9, CP16 and CP18, Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Sustainable Transport Supplementary Planning Document 2013.

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- Application Boundary
- Land in applicants control/ownership



**LAND EAST OF STOKE HILL, EXETER  
LOCATION PLAN**

230303 L 01 01

1:2500/A3

A

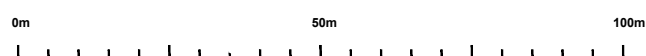
DH/DCC

OCT 23

**CliftonEmerydesign**

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**DRAWING STATUS PLANNING**



CONTRACTORS MUST CHECK ALL DIMENSIONS ON SITE. ONLY FIGURED DIMENSIONS ARE TO BE WORKED FROM. THIS DRAWING IS COPYRIGHT.

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## Planning Committee Report 24/0009/FUL

### 1.0 Delegated planning report

Number:	24/0009/FUL
Applicant Name:	McDonald's Restaurants Limited
Proposal:	Erection of a freestanding restaurant with drive through facility, car parking, landscaping and associated works, including Customer Order Displays (COD).
Site Address:	Tesco Stores Ltd Russell Way Exeter EX2 7EZ
Link to Documentation:	<a href="https://publicaccess.exeter.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.exeter.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>
Registration Date:	4 January 2024
Case Officer:	Catherine Miller-Bassi
Ward Members:	Cllr Peter Holland, Cllr Anne Jobson, Cllr Alison Sheridan

REASON APPLICATION IS GOING TO COMMITTEE

Members of the Planning Committee considered this application at the Delegation Briefing held on 11/06/24 and have referred it for determination by the full Planning Committee, due to the number of objections received, in accordance with the Exeter City Council Constitution.

### 2.0 Summary of recommendation

DELEGATE to GRANT permission subject to conditions as set out in the report.

### 3.0 Table of key planning issues

Issue	Summary
Principle of development	Acceptable
Character and appearance	Acceptable
Residential amenity	Acceptable
Heritage	Acceptable
Highways	Acceptable
Biodiversity	Acceptable
Contaminated land	Acceptable
Air quality	Acceptable
Flood risk and drainage	Acceptable
Sustainable construction	Acceptable
Economy	Acceptable

#### **4.0 Reason for the recommendation**

The principle of the proposed change of use from retail sale of goods, other than hot food, (E(a)) to hot food takeaways (Sui Generis) is acceptable in policy terms.

26no. objections have been received, relating predominantly to the principle, the impact on the residential amenity, late-night opening and anti-social behaviour.

No objections from consultees have been received regarding the principle of the proposed use or the impact on the residential amenity.

Objections received from the Council's Urban Design Officer have now been withdrawn relating to the seating area, pedestrian routes, a tree proposed for removal to the south of the restaurant and the visual impact of the northern elevation. These concerns have now been rendered acceptable via amendments.

Conditions are recommended to mitigate the potential impact of odour, noise, light, litter and anti-social behaviour.

Late-night opening falls outside the remit of Planning and would be controlled via Licensing.

The benefits of the proposal include: efficient use of land, development of a brownfield site, economic benefits of construction jobs, 62no. FTE jobs during operation, and biodiversity enhancements.

Overall, no adverse impacts of this proposal are considered to outweigh the benefits, when assessed against the policies in the Development Plan taken as a whole.

On balance, therefore, this application is recommended for approval.

#### **5.0 Description of site**

The application site lies on the north side of the A379 Road from Sandy Gate to Rydon Lane and on the east side of the A3015 Rydon Lane and on the west side of Russell Way.

The site lies northeast of a large Tesco supermarket and comprises a part of the Tesco car park that is currently unused.

Access is via the mini-roundabout serving the Tesco supermarket, off Russell Way.

The site predominantly comprises hardstanding bordered by well treed verges. 6no. trees in the application site are protected by Tree Preservation Orders.

There is a well treed area of open space adjacent the southern site boundary with a Site of Local Interest for Nature Conservation at the southeast corner.

The site is allocated for residential development in the Draft Local Plan.

## **6.0 Description of development**

The proposed development comprises a flat-roofed single storey building clad in dark grey and timber effect panels with off-white flat canopies.

The building would accommodate a McDonald's restaurant for eating in and take away, with a drive-through facility.

The development would include 42no. car parking spaces, of which 3no. would be accessible bays; 4no. electric vehicle charging bays (1no. accessible) plus 2no. grill bays.

There would be 6no. Sheffield customer bike stands, providing 12no. cycle spaces.

The proposal would also include landscaping and associated works, including customer order displays (COD).

The existing layout in the northeast corner of the main Tesco customer car park, adjacent the southeast exit of the Road from Russell Way to Tesco mini-roundabout would be reconfigured. The affected 9no. spaces would be retained and 2no. internal car park entrances/exits would be removed.

Vehicular access to the proposed McDonald's would be from the southwest corner of the site, with pedestrian access from the northwest corner off the mini-roundabout and from the western side, leading from the main Tesco site.

The footpath to the north of the site would be widened and the existing bus stop/shelter would be relocated to accommodate the proposed pedestrian access from the north.

## **7.0 Supporting information provided by applicant**

- 002\_4230151\_HG\_Drainage Statement Issue 4 Full, 05/04/2024
- 003\_4230151\_HG\_CEMP Issue 4 Full, 05/04/2024
- 004\_4230151\_HG\_Drainage Maintenance Plan Issue 3 Full, 05/04/2024
- 10123-AIA - McDonalds Russell Way Exeter-Rev C, 05/04/2024
- 10123-D-AIA - McDonalds Russell Way Exeter-Rev B, 05/04/2024
- 19489-VL\_L02D\_Raised Planters Planting Plan\_A1, 09/07/2024
- 19489-VL\_L03\_Soft Landscape Specification\_A2, 09/07/2024
- 2041SMT-MET-ZZ-RP-Y-9811-P01-BREEAM Planning, 04/01/2024
- 230502 01.0141.011 Russell Way Air Quality Impact Assessment v1, 04/01/2024

- 240315 McD Exeter Odour Control Rev A, 05/04/2024
- 3999 McDonalds Exeter Delivery Management Plan (March 2024), 05/04/2024
- 3999 McDonalds Exeter Transport Assessment (March 2024) Part 1, 05/04/2024
- 3999 McDonalds Exeter Transport Assessment (March 2024) Part 2, 05/04/2024
- 3999 McDonalds Exeter Travel Plan (March 2024), 05/04/2024
- 7065-15-Exeter Environmental Noise Assessment-18-8-23 jt Russel Way Exeter 20-3-24r2(Site Layout Plan updated to P1004C), by AASW, 05/04/2024
- 755 ERW Report 1.4, Heritage Asset Impact Assessment, 05/04/2024
- ASB - McDonalds Anti-Social Behaviour Workbook v5 Sept 2019, 08/02/2024
- CIL Form, 15/01/2024
- D-558478\_CALC\_McDonalds Exeter Vale (R3), Proposed Lighting Layout, 05/04/2024
- Drainage Maintenance Plan, 10/01/2024
- Drainage Statement, 10/01/2024
- Exeter Biodiversity Enhancement Plan July2024 V5, 01/07/2024
- Exeter Planning Supporting Statement January 2024, 04/01/2024
- Exeter Sequential Test Nov 2023, 04/01/2024
- Goal Post and McDigit COD Canopy brochure, 04/01/2024
- McDonald's Litter Management Plan, 05/04/2024
- Hazel Dormouse, Birds, Badger & Invasive Plants Method Statement July24 V2, 01/07/2024
- Russell Way Tesco Extra Preliminary Ecological Appraisal Report Report V4 Mar24, 05/04/2024
- Standard Patio Area Supporting Specifications booklet, 04/01/2024

## 8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
17/1962/OUT	Outline application for development of a non-food retail unit (Use Class A1), with associated deliveries yard, car parking and landscaping on part of the existing Tesco car park (all matters reserved except access).	PER	14.05.2019
20/1190/VOC	Removal of condition 5 of planning permission reference 10/0250/FUL, granted 23 April 2010, to allow the extension to be used for retail sales rather than 'storage purposes only'	PER	11.11.2020
21/0086/LPD	Add PV solar panels to existing roof.	WLU	27.01.2021

Reference	Proposal	Decision	Decision Date
21/1358/FUL	Proposal to install new modular extension with Armco barrier on 2-sides and extension of canopy over van parking.	PER	24.02.2022
24/0005/ADV	Installation of 3 no. Fascia signs, 3 no. Booth lettering signs and 1 no. Digital booth screen.	PENDING	
24/0006/ADV	The installation of a freestanding totem sign.	PENDING	
24/0007/ADV	The installation of a Mcdonald's appendage within existing Tesco monument sign.	PENDING	
24/0008/ADV	Various site signage including 4 no. Freestanding signs, 2 no. Banner signs, 3 no. Directional signs and 27 no. Dot signs comprising; 2 no. Accessible bays, 2 no. Parked order bays, 8 no. Litter, 2 no. No entry, 4 no. Pedestrian crossing, 3 no. Give way, 1 no. Look left, 3 no. Look right, 1 no. Speed limit 10mph and 1 no. Look both ways.	PENDING	

## 9.0 List of constraints

- Smoke Control Area
- Tree Preservation Order

## 10.0 Consultations

### Police Designing Out Crime Officer:

Comments dated 02/05/24:

No objections subject to conditions and the following advice that has been forwarded directly to the applicants:

- The DOCO and the local neighbourhood policing team would not support 24-hour opening should it be proposed
- CCTV condition recommended
- Informatives recommended

### South West Water:

Comments dated 08/04/24:

No objections

**Wales and West Utilities:**

None received

**Local Highway Authority (Devon County Council):**

Comments dated 07/02/24:

No objections subject to conditions

**Lead Local Flood Authority (Devon County Council):**

Comments dated 19/04/24:

Previous objections withdrawn following receipt of additional information and amended plans, subject to conditions

**Building Control (ECC):**

None received

**Environmental Health (ECC):**

Comments dated 03/05/24:

No objections subject to conditions: noise, CEMP, odour control, ASB.

**Ecology Officer:**

Comments dated 09/07/24:

No objections subject to:

- *Amended Hazel Dormouse, Birds, Badger & Invasive Plants Method Statement compliance condition;*
- *Biodiversity Enhancement compliance condition;*
- *A prior to operation LEMP condition.*

**Tree Manager (ECC):**

Comments dated 17/04/24:

- *There are no arboricultural objections to the above proposal.*
- *Removed trees be replaced by a robust Landscape Plan that is to be approved by the Council's Landscape Officer.*

**Urban Design and Landscape Officer (ECC):**

Comments dated 11/07/24:

Following amended plans, objections withdrawn:

*I have reviewed the most recently updated drawings and I am grateful for the minor improvements that have been made by the applicants. I continue to have reservations about the quality of the public realm within the site and the conflicts created between the patterns of pedestrian and vehicular movements, but these are an inevitable consequence of the combination of a conventional restaurant with a drive-through facility on a somewhat difficult site. On balance, I wish to withdraw my earlier objection, recognising that there is no specific national or local design policy governing this development type.*



**Waste & Recycling Team (ECC):**

Comments dated 04/06/24

No objections

**Exeter Civic Society:**

Comments dated 23/04/24:

*Object on the grounds of needing additional covered cycle parking and staff showers*

**Exeter Cycling Campaign:**

Comments dated 29/01/24:

- *We are heartened to see what appears to be the ransom strip in the SW corner of the site being properly opened up.*
- *However, as far as we can see this is for people walking only. This important access to and through the site really needs also to be opened up for people cycling. [Officer note: this has since been amended to allow cycling]*
- *The cycle parking spaces at this Tesco store are inadequate. Can a condition be placed on the Applicant to fund additional cycle parking (compliant with LTN 1/20 design) to the Tesco car park? [Officer note: this would not be reasonable or necessary and would fail the test for conditions]*

**11.0 Representations**

26no. representations have been received, all of which are objections.

All responses can be viewed in full on the Council website. The following issues were raised in the objections:

Objections:

- There are already two fast food outlets close by – there is no need for another
- This will worsen traffic problems associated with these fast food outlets
- This will worsen litter problems associated with these fast food outlets
- This will worsen anti-social behaviour problems associated with these fast food outlets
- Fast food is bad for health and will worsen current obesity crisis
- Fast food outlets are bad for the environment
- Fast food outlets do not treat their employees adequately, using zero hours contracts etc
- There is already a problem with anti-social behaviour in this area
- This will cause problems with vermin such as rats and seagulls due to increased litter
- This will cause light, odour and noise pollution
- The building is out of character and will harm the beautiful Devon landscape
- There is insufficient parking proposed so this will cause parking overspill into surrounding area
- The increased traffic will have adverse impact on road safety in the area

- McDonalds were turned down when the original application was made for what is the KFC site on grounds of too much litter, so why would you consider this application now?
- This will worsen existing huge traffic jams in the area
- Why can't the empty units over at Sowton be used?
- Wouldn't a doctor's surgery or health centre be more useful here?
- No visual impact assessment has been provided and therefore the impact to the local residents cannot be properly assessed.
- The ventilation requirement has been set as 'very high', should the maintenance lapse or the efficiency of the equipment reduce, the odour on the local residence will be overpowering.
- The development encourages consumption of poor nutritional value fast food in a neighbourhood of predominantly families with 3 schools within 1 km.
- The project makes no provision for replacement of trees removed and provides no reasoning for tree removal. I suspect for visibility for marketing reasons.
- Exeter's current motto is 'Live Better'; will this development really improve the local area or provide a better standard of living for the local community?

## 12.0 Relevant policies

Development Plan

National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2023) – in particular sections:

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

Planning Practice Guidance (PPG):

Climate change  
Renewable and low carbon energy  
Town centres and retail

Core Strategy (Adopted 21 February 2012)

CP2 – Employment  
CP8 – Retail  
CP14 – Renewable and Low Carbon Energy  
CP17 – Design and Local Distinctiveness

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

AP1 – Design and Location of Development  
LS1 – Landscape Setting  
EN6 – Renewable Energy  
DG1 – Objectives of Urban Design  
DG2 – Energy Conservation

Other Material Considerations

The Exeter Plan – Outline Draft Plan (September 2022)

S1 – Spatial strategy  
S2 – Liveable Exeter delivery principles  
CE1 – Net zero Exeter  
D1 – Design principles

Exeter City Council Supplementary Planning Documents:

Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)

Addendum: Hot food takeaways use in the new Use Class Order, Public Health England (19/02/21)

Using the planning system to promote healthy weight environments, Public Health England (February 2020)

### **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.

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 Equality 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 the 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) removing or minimising 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 other 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

Job creation during construction and 62no. FTE posts during operational phase

## Non material considerations

The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site.

This proposal is CIL liable, being residential development. CIL is charged for this development at a rate of £212.61 per sqm for permission granted in 2024.

Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued before 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.

In this case, there is a new build GIFA of 356 sqm gross internal floorspace, which would result in a liability of £75,689.16.

The CIL liability above is an estimate only.

## **16.0 Planning assessment**

### 1. Principle of Proposed Development

Local Plan First Review Saved Policy AP1 states:

*Development should be designed and located to raise the quality of the urban and natural environment and reduce the need for car travel. Proposals should be located where safe and convenient access by public transport, walking and cycling is available or can be provided.*

Local Plan First Review Saved Policy AP2 states:

*Priority will be given to meeting development needs on previously-developed land and within existing centres. A sequential approach will be applied to the identification and assessment of new sites for office, housing (see policy H1), retail (see policy S1) and commercial leisure use.*

Local Plan First Review Saved Policy DG1 states: *Development should...*

*(e) contribute to the provision of a compatible mix of uses which work together to create vital and viable places;*

Local Plan First Review Saved Policy S5 states:

*Proposals for food and drink (class A3), including hot food takeaways, will be permitted ...within:*

- (a) the city centre, district centres and local centres;*
- (b) other commercial areas with active street frontage uses;*
- (c) areas of cultural or leisure use, public amenities and tourist attractions;*
- (d) purpose built cultural, leisure, retail or mixed use developments,*

*Provided that:*

- (i) the proposal will not harm the amenities of nearby residents by virtue of noise, smell, litter or late night activity;*
- (iii) the proposal will not create or increase the potential for public disorder and crime or reduce the perceived attractiveness of the centre;*
- (iv) a financial contribution will be sought through a planning obligation to measures which would improve community safety, where this would enable the development to be permitted.*

Core strategy policies CP1, CP2 and CP3 promote the provision of employment and retail provision.

NPPF paragraph 91 states:

*Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*

NPPF paragraph 92 states:

*When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.*

NPPF paragraph 94 requires an impact assessment if the development is over 2,500 sqm of gross floorspace.

The NPPF defines 'main town centre uses' as:

*Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).*

Paragraph 12 of the NPPG Town Centres and Retail states:

*Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case...*

The site forms part of the car park serving the adjacent Tesco superstore. Given that the parking is ancillary to the supermarket, the primary use of the site is considered to be retail.

Outline application, ref. 17/1962/OUT, for development of a non-food retail unit (Use Class A1), was approved on this site in 2019.

It is acknowledged that the site is allocated for residential development in the Draft Local Plan. However, this has not yet been adopted and no applications for residential development on this site have been received.

As such, the existing lawful use is Class E - Commercial, Business and Service (E(a) Display or retail sale of goods, other than hot food).

The proposal falls under Planning Use Class: Sui Generis (Hot food takeaways: for the sale of hot food where consumption of that food is mostly undertaken off the premises).

Therefore, a change of use is involved.

The site lies beyond the town centre, edge of centre and district/local centres, and is considered an 'out of centre' site.

The proposal comprises a restaurant/drive-through restaurant, which falls under the NPPF definition of a 'main town centre use'.

As such, a sequential test is required in line with NPPF para.91 and Local Plan Policy AP2.

An impact assessment in line with NPPF para.94 is not required in this case since the gross external floor area would measure 377sqm.

The submitted Proposed McDonald's Restaurant Sequential Test, dated Nov 23, notes:

- *Drive-through restaurants require a specific location that has sufficient levels of passing traffic and space to accommodate a drive-through lane and parking;*
- *A new freestanding McDonald's drive-through requires approximately 0.3ha of available space to viably support the proposed building, drive-through lane and associated parking;*
- *A single drive-through requires 20,000 passing traffic movements for a roadside location or other 'attractors';*

- *The subject site will provide a significant amount of passing trade supported by a mix of operators in the immediate area;*
- *There are no alternative suitable sites for a drive through restaurant either within the centre, or on the edge;*
- *The location benefits from a high volume of passing traffic (diverted trips);*
- *The site is in close proximity to comparable uses, including the adjacent supermarket and retail park;*
- *The proposed site represents a very accessible location and thus, the proposal accords with the sequential test;*
- *The proposed site contains the characteristics to run a successful drive-through facility without affecting the vitality and viability of the nearest centres;*
- *The proposed development would include joint trips to the surrounding area, rather than additional trips, thus complying with local policies.*

Local Plan Policy S5 (d) permits hot food takeaways in purpose built cultural, leisure, retail or mixed use developments. The site is currently in commercial use as part of a purpose built retail development (the Tesco superstore and associated car park).

As such, this proposed change of use is considered acceptable subject to the other Policy S5 criteria to be assessed later in this report.

In terms of the Sequential Test, the site would meet the specific location conditions required by the proposed use:

- The area would measure 0.68ha. which would provide the min. area required for the proposed drive-through take away facility;
- A high volume of traffic passes the site;
- It is currently in commercial use;
- It is considered highly accessible in transport terms.

Objections have been received stating that there are already two fast food outlets close by so there is no need for another one.

Public Health England published an 'Addendum: Hot food takeaways use in the new Use Class Order' dated 19/02/21, further to its guidance 'Using the planning system to promote healthy weight environments', dated February 2020.

This states:

*The replacement of the A5 hot food takeaway use class with sui generis allows local authorities to have greater control, through using the planning application process, to prevent the proliferation of hot food takeaways.*

Notwithstanding, there are no local or national planning policies restricting the number of fast food outlets in proximity to each other or to other uses.

As such, the proximity of other fast food outlets to the site is not considered reasonable grounds for refusal in this case.



For the above reasons, the principle of the proposed hot food restaurant and takeaway is considered acceptable at the application site.

## 2. Impact on Character and Appearance including Landscape

Local Plan First Review Saved Policy DG1 states: *Development should:*

*(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;*

*(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 (the massing) of structures 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.*

Local Plan First Review Saved Policy LS1 states:

*Development which would harm the landscape setting of the city will not be permitted. Proposals should maintain local distinctiveness and character.*

Core Strategy policy CP17 requires a high standard of sustainable design that is resilient to climate change and complements or enhances Exeter's character, local identity and cultural diversity.

The Council's Urban Design and Landscape Officer has been consulted on this application and initially raised concerns as follows:

- Loss of screening from northern boundary
- Blank north elevation and drive-through ordering points most publicly prominent (from pedestrian entrance adjacent mini-roundabout) resulting in substandard public realm
- Building design not integrated with adjacent buildings
- More trees should be retained

However, following amendments, as detailed later in this section, it is the Officer's view that the above issues have been rendered acceptable, subject to conditions.

The application site and adjacent areas to the northwest, southeast (beyond the A379), and immediately to the west, are characterised by utilitarian, warehouse style buildings for retail use, surrounded by car parks and access roads. Grassed and well treed areas border these sites.

To the east of the site, beyond Russell Way, lies a residential area, characterised by, generally, three-storey, red brick, terraces, with slate covered pitched roofs, set out in a suburban estate pattern.

### **Building, canopies and CODs**

The proposal comprises a detached, single storey, flat-roofed building clad in dark grey and timber effect panels with off-white flat canopies.

The building would measure 26.7m long by 14.2m wide and a max. of 5.8m high.

There would be an attached service yard for deliveries on the northwest elevation.

Concerns were raised by the Council's Urban Design Officer regarding the blank northwest elevation, poor public realm treatment and its prominence in views from the northern approach.

The service yard was originally proposed to be enclosed with 3m high, dark grey cladding panels.

Amendments secured during the course of this planning application in response to Officer concerns show that the service yard enclosure would comprise green walls, that is, a vertical cascade garden of evergreen plants.

The service yard would adjoin a dark grey clad elevation, projecting from the main northwestern elevation finished in timber-effect cladding.

The proposed amendments would be considered to soften the appearance of the blank northwestern aspect of the building to an acceptable level.

To the northeast of the proposed building, there would be a detached, 3m high, bin store finished in dark grey cladding panels.

The proposal involves solar panels installed on the upper and lower roof levels, which are considered acceptable.

There would also be a Goal Post Height Restrictor at the drive-through entrance and 2no. Customer Order Displays (CODs) with adjacent 3m high, white and grey, flat canopies, north of the service yard, as set out in the submitted Goal Post and McDigit COD Canopy brochure, 04/01/2024.

There would be a small substation, sited opposite the southeast corner of the proposed building on the edge of a treed, grassed area. This would measure 2.4m high by 2.8m long and 2.8m wide. The enclosure would be dark green or brown reinforced plastic (GRP).

It is considered reasonable to apply a condition requiring soft landscaping to better screen this element.

These elements would not be considered to give rise to unacceptable harm in relation to the character and appearance of the area.

## **Landscaping**

6no. trees would be removed and 15no. existing trees would be retained.

16no. new trees are proposed together with a good amount of shrub and hedge planting and some additional wildflower/grassed borders as well as a small number of large circular planters.

The 2no. trees to be removed on the northern edge of the site would be replaced by 2no. new trees, extended wildflower and grassed verge and a new native 1.2m high hedgerow.

0.6m high timber knee-rail fencing would bound some of the grassed areas to encourage use of the footpaths and protect the vegetation.

As noted above, the service yard enclosure would comprise green walls planted with evergreens.

The hard surfacing would be largely tarmac, with the drive-through lane finished in charcoal-coloured concrete and the patios finished in charcoal-coloured block paving.

The pedestrian areas would be bounded with 1.1m high timber effect steel fencing.

There would be a small seating area adjacent the southernmost corner of the building also bounded by the steel fencing.

## **Conclusion on Character and Appearance**

Following the receipt of amended plans, a greater quantum of existing trees would be retained, the northwestern elevation would be softened by the introduction of the green wall, the proposed landscaping at the northern boundary would be improved and would provide enhanced screening of the site.

Overall, the soft landscaping on the site would be significantly enhanced over the existing situation.

The proposed building would be finished in timber effect and dark coloured panelling, together with a green wall. The form would be broken into three components with varying heights that would, with the variation in elevational finishes, reduce the impact of mass.

The building would have a modest overall height and the proposed soft landscaping would provide a degree of screening.

Given the commercial nature of the immediate area and the appearance of the nearest buildings, a petrol station and superstore, the proposed fast food restaurant would not be considered out of character.

For the above reasons, the scheme is considered acceptable in this regard.

Implementation conditions are recommended with regard to materials and landscaping.

### 3. Impact on Residential Amenity

Local Plan First Review Saved Policy EN5 states:

*Noise-generating development will not be permitted if it would be liable to increase adversely the noise experienced by the users of existing or proposed noise-sensitive development nearby.*

Local Plan First Review Saved Policy DG7 states:

*The design of development should aim to achieve a safe and secure environment.*

Local Plan First Review Saved Policy S5 states:

*Proposals for food and drink (class A3), including hot food takeaways, will be permitted ...*

*Provided that:*

*(i) the proposal will not harm the amenities of nearby residents by virtue of noise, smell, litter or late night activity;*

*(iii) the proposal will not create or increase the potential for public disorder and crime or reduce the perceived attractiveness of the centre..*

Objections have been received concerned with light, odour and noise pollution, anti-social behaviour (ASB) and late night opening associated with the proposal.

The Council's Environmental Health Officer (EHO) has been consulted on this application and has no objections subject to noise, CEMP, odour control, ASB conditions.

The Police Designing Out Crime Officer (DOCOC) has been consulted on this application and has no objections subject to conditions and has commented that the DOCOC and the Local Neighbourhood Policing Team would not support 24-hour opening should it be proposed; a CCTV condition and informatives are recommended.

The nearest residential properties to the site include nos. 12 to 46 Lewis Crescent, which lie on the northeast side of Russell Road, with a minimum separation gap between the rear (southwest) elevation of the dwellings to the nearest site boundary (northeast) of approx. 28m.

The following documents relevant here have been submitted with this application:

- 240315 McD Exeter Odour Control Rev A.pdf, 05/04/2024
- ASB - McDonalds Anti-Social Behaviour Workbook v5 Sept 2019, 08/02/2024
- McDonald's Litter Management Plan, 05/04/2024
- D-558478\_CALC\_McDonalds Exeter Vale (R3).pdf, Proposed Lighting Layout, 05/04/2024
- 7065-15-Exeter Environmental Noise Assessment-18-8-23 jt Russel Way Exeter 20-3-24r2(Site Layout Plan updated to P1004C).pdf, by AASW, 05/04/2024

## **Odour**

The submitted Odour Control Assessment notes:

- *An assessment has been carried out using the EMAQ+ (Formerly DEFRA) style Odour Risk Assessment method;*
- *This concluded that in this situation a 'High' level of odour control is recommended as defined by the EMAQ+ Guide;*
- *The proposed grease and odour control measures meet the requirements of the 'High' classification control band.*

The EHO has also commented:

- *This area has a history of complaint about odour from KFC;*
- *No odour control system can be guaranteed and approval at the planning stage does not necessarily mean that no further changes will be required;*
- *No system is 100% effective and residents may well notice some smell some of the time;*
- *What the odour control system is required to do is to prevent that odour being too strong or too frequent.*

For the above reasons, the proposal is considered acceptable subject to an odour control condition.

## **Anti-Social Behaviour and opening hours**

The submitted Anti-Social Behaviour Workbook sets out generic tools to prevent and manage anti-social behaviour.

The EHO has recommended an ASB condition requiring a management plan specific to this particular restaurant to be approved prior to first use.

The submitted Environmental Noise Assessment by AASW, notes:

- *McDonald's seek to trade 24 hours per day.*

As confirmed by the Council's Licensing Department:

- *If McDonald's wish to open 24hours then this will require a premises licence for late night refreshment.*
- *Late night refreshment is the sale of hot food and drink between the hours of 23.00hrs and 05.00hrs.*
- *Outside of these times their activities are not licensable and would be unable to be controlled by the Licensing Act 2003.*
- *All responsible bodies would be consulted on any application for late night refreshment.*

As such, late night opening would lie beyond the remit of Planning and would be controlled via Licensing.

Notwithstanding, it is understood that the adjacent Tesco superstore is open 6am to midnight every day except Sunday when it opens 10am to 4pm.

For the above reasons, the proposal is considered acceptable in this regard subject to an ASB condition.

### **Litter**

The submitted McDonald's Litter Management Plan advises litter removal in a patrol area of up to 150m from the proposed restaurant one to three times per day subject to review.

This plan is considered acceptable and a condition will be applied for implementation of the proposed regime.

### **Noise**

Anti-social noise from customers would be addressed within the subsection on ASB above. Noise from plant such as odour extraction, heating and ventilation is considered here.

The submitted Environmental Noise Assessment by AASW, notes:

- *This report considers the potential impact of noise created by vehicles using the drive thru lane & dedicated parking spaces as well as from the roof plant against existing sound levels;*
- *Mitigation will be required to prevent any adverse impact on the neighbours;*
- *With the recommended mitigation measures in place, noise from the proposed development can be controlled to prevent any adverse impact on the neighbours.*

As such, the noise impact is considered acceptable subject to the condition recommended by the EHO.

## **Lighting**

A Proposed Lighting Layout including luminaire calculations has been submitted with this application.

No objections have been received from the EHO regarding the proposed external lighting.

In terms of the neighbouring residential amenity, the proposal would be sited in an existing car park, albeit, unused, serving a large supermarket that usually opens 6am to midnight.

There are a high number of street lights in the vicinity.

In addition, the nearest dwellings are separated from the site by a road serving the superstore and an intervening strip of tall mature trees.

As such, the occupants of the dwellings in question would potentially be affected by car lights from traffic passing along Russell Way to the rear of their properties.

However, the intervening treeline would provide substantial screening from the application site.

For the above reasons, no unacceptable harm over the existing situation is considered to arise from the proposed development in this regard.

## **Overbearing impact**

Given the separation gap between nos. 12 to 46 Lewis Crescent and the application site, together with the screening provided by the treeline and the single storey nature of the proposed building, no overbearing impact would ensue with regard to the occupants of the neighbouring dwellings.

## **Conclusion on residential amenity**

For the above reasons, the development is considered acceptable overall with regard to the neighbouring residential amenity.

## **4. Impact on Heritage**

*Development within or affecting a conservation area (including changes of use, alterations and extensions) must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.*

Local Plan First Review Saved Policy C2 states:

*Development (including changes of use, alterations and extensions) which affects a listed building must have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.*

Local Plan First Review Saved Policy C5 protects against archaeological harm.

NPPF paragraph 205 states:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

The site does not lie within or near any Conservation Area or Area of Archaeological Importance.

The nearest listed buildings to the site include the following:

- Grade II listed Brick Built Water Tower in the Grounds of Digby Hospital, Woodwater Lane, approx. 89m northwest;
- Grade II listed Digby House, Digby Hospital, approx. 135m northeast.

Given the substantial separation distances between these listed buildings and the application site, together with the intervening buildings and landscape features, the proposed development would not be considered to result in any adverse impact in respect of these heritage assets.

The submitted Heritage Asset Impact Assessment by KDK Archaeology Ltd, notes:

- *Although no archaeological investigations have been conducted on the site, excavations in advance of the Tesco store construction and subsequent work to the north of that site, have uncovered a complex, multi-phase landscape, with significant evidence of Bronze Age occupation, Roman boundaries and later agricultural use.*
- *However, construction of the Tesco car park over the area of the site may have significantly impacted any below-ground resources.*
- *A programme of archaeological evaluation may be recommended in order to determine the level of preservation of archaeological features.*

Given the above, and the minor scale of the proposed development, an archaeological watching brief informative is considered reasonable in this case.

For the above reasons, the proposal is considered acceptable in regard to heritage assets.



## 5. Highways, Access and Parking

Local Plan First Review Saved Policy T1 states:

*Development should facilitate the most sustainable and environmentally acceptable modes of transport, having regard to the following hierarchy:*

1. *Pedestrians*
2. *People with mobility problems*
3. *Cyclists*
4. *Public transport users*
5. *Servicing traffic*
6. *Taxi users*
7. *Coach borne visitors*
8. *Powered two wheelers*
9. *Car borne shoppers*
10. *Car borne commercial/ business users*
11. *Car borne visitors*
12. *Car borne commuters.*

Local Plan First Review Saved Policy T2 states:

*Non residential development should be accessible within walking distance and/or by bus or rail to a majority of its potential users.*

Local Plan First Review Saved Policy T3 states:

*Development should be laid out and linked to existing or proposed developments and facilities in ways that will maximise the use of sustainable modes of transport.*

*Proposals should ensure that:*

- (a) *all existing and proposed walking and cycle routes are safeguarded or that alternative reasonably convenient routes are provided;*
- (b) *suitable cycle parking provision is provided in accordance with the standards set out in schedule 2;*
- (c) *where more than 20 people are employed facilities for showering and changing are provided;*
- (d) *full account is taken of the needs of bus operation through and alongside new development by the provision of lay-bys, roads and other associated facilities;*
- (e) *where appropriate, pedestrian and cycling links are provided to existing or proposed rail stations;*
- (f) *the particular needs of people with disabilities are taken into account.*

Local Plan First Review Saved Policy T9 states:

*Proposals for the development, change of use, alteration or extension of non-domestic buildings, particularly those open to the public, will only be permitted if provision is made for safe and convenient access by people with disabilities.*

NPPF paragraph 8 seeks to minimise waste.

NPPF paragraph 114 promotes sustainable transport modes and seeks safe and suitable access to the site for all users and that any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety, to be cost effectively mitigated to an acceptable degree.

NPPF paragraph 115 states:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

The Local Highway Authority has been consulted on this application and has no objections subject to conditions.

The following documents have been submitted in this regard:

- 3999 McDonalds Exeter Delivery Management Plan (March 2024).pdf, 05/04/2024
- 3999 McDonalds Exeter Transport Assessment (March 2024) Part 1.pdf, 05/04/2024
- 3999 McDonalds Exeter Transport Assessment (March 2024) Part 2.pdf, 05/04/2024
- 3999 McDonalds Exeter Travel Plan (March 2024).pdf, 05/04/2024

## **Access**

The main building entrance would be sited on the southwest elevation and the vehicular entrance to the site would be via the existing access off the main Tesco carpark at the southwest corner of the site.

There would be pedestrian routes as follows:

- Via an existing footway at the north of the site, involving a bus stop, proposed to be improved;
- Via an existing footway to the western side of the site off the main Tesco carpark involving 2no. marked crossings;
- From the proposed carpark southeast of the new building, via the marked footways and marked crossings.
  - Customers would access the building by the main entrance on the western elevation or the smaller door on the southern elevation (left side) via the dropped curb with tactile blister paving denoting the entry point between the patio and disabled parking bays
  - Couriers would access the building by the dedicated building entrance on the southern elevation (centre door) via the dropped curb with tactile blister paving to the east of the disabled parking bays.

The submitted Transport Assessment notes:

- Vehicle access to the proposed restaurant would be via the existing Tesco Access Road which serves the car park.

- The proposed restaurant would utilise the existing southern site access.
- The northern access points to the site would be closed to vehicles.
- The delivery vehicles will use the main customer access and unload within the McDonald's car park.
- Pedestrians would access the restaurant via the existing separate pedestrian link from the Tesco Access Road. This would connect to the Tesco store via the existing zebra crossing facility.
- It is proposed to widen the footway on Digby Drive along the northern frontage and relocate the bus stop.
- It is also proposed to provide a pedestrian link [now amended as new tarmac shared 3m wide footway/cycle path] from the Tesco car park to the A379.
- These were the improvements which were agreed as part of the permitted retail use on the site.

The proposed pedestrian/cycle link to the A379 would involve the removal of a small section of grassed verge and boundary hedge and fence in the southernmost corner of the main Tesco carpark.

This would link the proposed development, via the main Tesco carpark, with the adjacent public footway/cycle path to the south (Cycle Track from Pynes Hill to Old Rydon Lane).

The Council's Urban Design and Landscape Officer originally raised concerns regarding:

- Lack of marked pedestrian path from the car parking bays at the southern part of the site, adjacent the main vehicular access;
- Pedestrians are not prioritised over traffic;
- Outdoor seating not well protected from traffic.

Responding to the first two points, the applicants have noted in an email dated 05/07/24:

*There isn't space to provide dedicated walkways for every parking space. We did look at a path around the back of the 5 spaces on the left as you come in, however were advised this would have a negative impact on the retained trees. I would note that these parking spaces broadly mirror what is already there. The level of pedestrian accessibility through the site is significantly better than the existing parking on the site and the adjacent Tesco car park.*

While less than optimal, it is the Officer's view that the proposed scheme is acceptable in this regard given the similarity to and slight betterment over the existing situation.

Coming to the outdoor seating, this has been slightly amended to become more self-contained and slightly more protected from passing pedestrians although it would remain virtually within the originally proposed location. While the seating would be

adjacent the drive-through route, it would be protected somewhat by the proposed fencing.

While this element of the scheme is less than ideal, it is not considered a reason for refusal in this case.

It is considered reasonable to impose conditions regarding the implementation of the proposed pedestrian/cycle link to the A379 and the footway and bus shelter alterations to the north of the site at Road from Russell Way to Tesco.

## **Traffic**

The submitted Transport Assessment notes:

- *The number of additional trips (sole purpose) to the proposed development would be:*
  - *Weekday Am Peak 24 vehicles*
  - *Weekday Pm Peak 41 vehicles*
  - *Saturday Peak 61 vehicles*
- *The proposal would therefore have no material impact on the operation of the surrounding local road network.*

The Local Highway Authority has reviewed this report and has not raised any highways concerns.

As such, the scheme is considered acceptable in terms of trip generation, the impact on the network and highways safety.

## **Parking**

For car parking, the Sustainable Transport SPD requires:

- 1no. space per 14 sqm (gross internal area) for food retail

The gross internal area would measure 356 sqm. Therefore, 25no. car parking spaces would be required in this case.

The submitted Transport Assessment notes:

- *The principle of the loss of the car parking on the site has been established as acceptable by Planning permission ref: 17/1962/OUT for a 1226 sqm non-food retail unit (Class A1) with 46 car parking spaces.*
- *The proposed Tesco car park would comprise 639 spaces. There are 742 existing spaces so this is a reduction of 103 spaces in total for the Tesco comprising 92 spaces from the site and 11 spaces from the main car park.*

Amendments have been received during the course of this application, such that 42no. car parking spaces, plus 2no. grill bays are now proposed.

As confirmed by an email from the applicants dated 10/07/24, the hatched bays in the submitted Site Layout Plan are recommended for couriers.

The application submitted under consent ref. 10/0250/FUL states that the gross internal area of the Tesco superstore at 6273 sqm. As such, it would require 448no. car parking spaces, using the guidance above.

The proposed reduction in the car parking provision for the Tesco superstore to 639no. would be considered acceptable based on the above calculation.

For the above reasons, the proposal is considered acceptable in this regard.

### **Accessibility**

For car parking, the Sustainable Transport SPD requires:

- 3no. bays or 6% of total capacity, whichever is greater, for disabled users

In this case, 3no. bays for disabled users would be required.

Amended plans have been received showing 3no. proposed bays for disabled users.

The submitted Planning Statement notes that:

*The dining area is designed to best meet the aims and objectives of the Equality Act by providing a varied level of service to suit the widest possible range of needs. A variety of seating is provided with high and low tables and a mix of fixed and loose seats. Floor and wall materials have been chosen not only to reflect McDonald's brand but to provide good levels of contrast between surfaces for users with visual impairment. Circulation routes are provided throughout the seating area to promote access for all, including wheelchair users.*

For these reasons, the proposal is considered acceptable in this regard.

### **EV charging**

The Sustainable Transport SPD states at 6.5.1 that workplace, retail, and public parking facilities should be provided with, as a minimum, ducting and potential for easy connection to the electricity network for electric vehicle charging.

4no. Electric Vehicle Charging Points (EVCPs) are proposed in this case.

This is considered acceptable subject to an implementation condition.

### **Cycle parking and facilities**

The Exeter Cycling Campaign has been consulted on this application and have no comments on the cycle parking provision within the application site.

For cycle parking, the Sustainable Transport SPD requires:

- 1no. visitor/customer cycle parking space per 350m<sup>2</sup> of net retail floorspace (minimum 10 spaces) for
- 1no. staff cycle parking space cycle space per 350m<sup>2</sup> of net retail floorspace (minimum 4 spaces).

The gross retail floorspace would measure 356 sqm and, subsequently, the net area would be less. Therefore, the minimum quantum above are not applicable.

There would be 12 cycle parking spaces (6 Sheffield stands) for customers and staff, which would be acceptable in this case.

There would be 30no. FTEs and 62no. equivalent FTEs involved; therefore, facilities for showering and changing would be required.

Amended plans have been received showing facilities for showering and changing.

This is considered acceptable subject to an implementation condition.

### **Travel Plan**

The Sustainable Transport SPD at 8.1.1 requires a comprehensive travel plan and travel pack for workplaces with 20 or more staff.

A Travel Plan by ADL Traffic and Highways Engineering Ltd, ref. ADL/CC/3999/19A, dated March 2024, has been submitted with this application.

This has been reviewed by the Local Highway Authority and is considered acceptable. An implementation condition is recommended.

### **Waste and recycling**

The submitted Transport Assessment notes:

- *Refuse would be collected by a private contractor using a 9.6m refuse vehicle, 3 times per week and would occur outside of peak hours.*
- *TRACK analysis is provided which demonstrates that a 16.6m articulated lorry delivery vehicle can enter, manoeuvre around the car park and exit.*
- *Empty delivery trays and crates are returned to suppliers for reuse.*
- *Cooking oil from restaurants is collected by the delivery vehicles and is recycled into bio diesel.*
- *Waste minimisation reduces the quantum and frequency of collection required.*

A service yard for deliveries attached to the northern elevation of the building and a freestanding bin store adjacent the northeast corner of the proposed building would be located on the one-way drive-through route to expedite these processes.

The scheme is considered acceptable in this regard.

### **Conclusion on highways impacts**

For the above reasons, the proposal is considered acceptable subject to conditions.

### 6. Impact on Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

Core Strategy policy CP16 seeks to protect and enhance biodiversity.

The Trees and Development SPD seeks to protect wildlife habitats.

NPPF paragraph 180 d) states:

*Planning policies and 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...*

NPPF paragraph 186 d) states:

*...opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

### **Protected species**

A Hazel Dormouse, Birds, Badger & Invasive Plants Method Statement July24 V2, Preliminary Ecological Appraisal Report and Proposed Lighting Layout & Luminaire Schedule have been submitted with this application.

The Council's Ecology Officer has been consulted on this application and, following the receipt of additional information, has no objections subject to conditions.

For the above reasons, the proposal is considered acceptable in this regard, subject to conditions.

### **Trees**

6no. trees in the application site are protected by Tree Preservation Orders.

A Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan have been submitted with this application.

1no. category 'B' tree (T017) and 4no. category 'C' trees would be removed. 1no. tree is to be removed irrespective of this application.

As such, 6no. trees would be removed and 15no. existing trees would be retained.

16no. new trees are proposed together with a good amount of shrub and hedge planting and some additional wildflower/grassed borders.

The Council's Tree Officer has been consulted on this application and has no objections subject to conditions.

The Council's Urban Design and Landscape Officer has been consulted on this application and has no objections subject to conditions. Has raised concerns that the existing tree in the main Tesco carpark west of the proposed site entrance would be removed to allow vehicle movements.

However, the applicants have reviewed this and have stated that it would not be feasible to retain this tree.

Notwithstanding, the scheme is considered acceptable with regard to tree removal, retention and compensatory tree planting.

As such, the proposal is considered acceptable in this regard subject to conditions.

### **Biodiversity Net Gains**

A 10% Biodiversity Net Gain (BNG) became mandatory under the Environment Act 2023 for applications received from 12/02/24 for major development and 02/04/24 for small sites.

This application is for minor development and was validated on 04/01/24. As such, the mandatory BNG is not applicable.

The submitted Preliminary Ecological Appraisal Report, (PEA) notes:

- *This development is to be assessed under the 2018 BREEAM UK New Construction Non-Domestic Buildings criteria.*
- *This assessment awards credits based on sustainable practices, including the protection and enhancement of the site's ecology.*



The PEA also notes the following biodiversity enhancements proposed (Table 1):

Table 1. Proposed biodiversity enhancements

Ecology type	Measure
Habitats	Tree planting of native broadleaved trees included within the landscape plan. Raised planters for pollinator included within the landscape plan. Some areas of lawn to be of a pollinator friendly flowering mix.
Bats	2no. bat boxes on retained trees adjacent to the Site.
Birds	2no. general purpose hole fronted nest boxes.
Priority & Notable Species	2no. solitary bee/invertebrate boxes.

A Biodiversity Enhancement Plan has been submitted with this application, which is summarised by email from the applicants dated 02/07/24 as follows:

- 16no. proposed new trees
- 851no. new ornamental shrubs
- 24no. new formal hedging plants
- 130no. single species native boundary hedging plants
- 11no. specimen shrub plants
- 44no. mixed species native buffer plants
- Wildflower rich lawn.
- 2no. bat boxes
- 2no. bird boxes
- 2no. starling squares
- 2no. bee/insect hotels
- Overall, we are proposing significant enhancement, including over 1000 shrubs/hedging/trees etc.

The Council's Ecology Officer has been consulted on this application and, following the receipt of additional information, has no objections subject to conditions.

- Biodiversity Enhancement Plan compliance condition;
- A prior to operation LEMP condition.

As such, the proposal is considered acceptable in this regard subject to conditions.

### Conclusion on Ecology

The application is acceptable in this regard subject to conditions.

## 7. Contaminated Land

Local Plan First Review Saved Policy EN2 requires identification and mitigation of any likely contaminated land prior to development.

Local Plan First Review Saved Policy EN3 states:

*Development that would harm ... water quality will not be permitted unless mitigation measures are possible and are incorporated as part of the proposal.*

The site does not comprise land identified as potentially contaminated.

The Council's Environmental Health Officer has been consulted on this application and has no objections in this regard.

A CEMP condition is recommended.

For the above reasons, the proposal is considered acceptable in this regard, subject to the recommended condition.

## 8. Impact on Air Quality

Local Plan First Review Saved Policy EN3 states:

*Development that would harm air or water quality will not be permitted unless mitigation measures are possible and are incorporated as part of the proposal.*

Core Strategy policy CP11 states:

*Development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts.*

The site does not lie within or near an Air Quality Management Area.

The submitted Air Quality Impact Assessment by Isopleth Ltd notes:

- *Additional vehicle emissions from the development are predicted to be negligible at all receptors;*
- *As such, impacts are not significant according to IAQM criteria;*
- *As a result of these findings, no further mitigation is needed (other than the provision of a Construction Environmental Management Plan for dust impact during construction phase).*

The development is not considered to give rise to any adverse impact on air quality.

As such, this element of the scheme is considered acceptable, subject to the recommended CEMP condition.

## 9. Flood Risk and Surface Water Management

Local Plan First Review Saved Policy EN4 states:

*Development will not be permitted if:*

- (a) it would increase the likelihood of flooding*
- (i) by reducing the capacity of, or increasing flows within, a flood plain, or*
- (ii) through the discharge of additional surface water, or*
- (iii) by harming flood defences;*
- (b) it would be at risk itself from flooding;*
- (c) it would require additional public finance for flood defence works;*
- (d) adequate provision is not made for access to watercourses for maintenance;*
- (e) it would threaten features of landscape or wildlife importance by reducing the recharge of local water tables.*

Core Strategy policy CP11 states:

*Development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts.*

Core Strategy policy CP12 seeks to reduce flood risk and promotes Sustainable drainage systems (SuDS).

Core Strategy policy CP17 requires a high standard of sustainable design that is resilient to climate change.

The site lies within Flood Zone 1 and none of the site is identified as having a surface water flood risk.

The site predominantly comprises hard surfacing and the scheme would decrease the existing impermeable area through the soft landscaping proposed.

The following documents have been submitted with this application in this regard:

- Drainage Maintenance Plan, 10/01/2024
- Drainage Statement, 10/01/2024

The latter notes the scheme would:

- *The proposed discharge rate is restricted to very close to the greenfield run-off rate, providing a 93% reduction on the existing flows.*
- *The sustainable surface water drainage system is designed to accommodate a 1:100-year event plus the appropriate climate change allowance for this site without flooding.*
- *The development's foul water drainage strategy utilises gravity to take wastewater to the existing public sewer north of the site.*
- *The design includes many access points for maintenance and an alarmed grease trap to ensure downstream sewers are protected from cooking waste / grease.*

Lead Local Flood Authority has been consulted on this application and, following receipt of additional information, has no objections subject to a condition.

South West Water has been consulted on this application and has no objections.

For the above reasons, this aspect of the scheme is considered acceptable subject to the recommended condition.

## 10. Sustainable Construction and Energy Conservation

Exeter City Council declared a Climate Emergency in July 2019.

Local Plan First Review Saved Policy DG2 states:

*New development should be laid out and designed to maximise the conservation of energy.*

Core Strategy policy CP14 promotes renewable energy and carbon reduction.

Core Strategy policy CP17 requires a high standard of sustainable design that is resilient to climate change.

The submitted Planning Statement notes:

- *The external shell is designed to prevent air leakage and achieve the U-value required by current building regulation standards.*
- *The walls are insulated using British sheep's wool which is 100% biodegradable.*
- *The extent of glazing has been reduced compared to previous designs.*
- *PV panels will be installed to generate renewable energy.*
- *McDonald's utilise a sophisticated building management control system with specifically engineered energy reduction strategies to maximise operating efficiencies.*
- *The cladding panels include a high proportion of recycled materials.*

The submitted BREEAM Design Stage Pre-Assessment Summary Rev. P01, dated 29/11/23, concludes that the target BREEAM rating is Excellent.

As such, the development is considered acceptable in this regard subject to a condition requiring evidence of an as-built BREEAM rating of Excellent.

## 11. Impact on Economy

Core Strategy policy CP18 states:

*...Developer contributions will be sought to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development. Contributions will be used to mitigate the adverse impacts of development (including any cumulative impact). Where appropriate, contributions will be used to facilitate the infrastructure needed to support sustainable development.*

Local Plan First Review Saved Policy S5 states:

*Proposals for food and drink (class A3), including hot food takeaways, will be permitted ...*

*Provided that:*

*(iv) a financial contribution will be sought through a planning obligation to measures which would improve community safety, where this would enable the development to be permitted.*

In terms of Local Plan Policy S5, any community safety measures required on-site would need to be specifically requested by the Police (with evidence) to be secured through a S106.

In this case, no objections have been raised by the Police Designing Out Crime Officer or the Environmental Health Officer, who have recommended conditions in terms of community safety to enable the development to be permitted.

Any off-site community safety measures relating to Policy S5 would be implemented through the CIL process.

The scheme would be CIL liable as it would comprise an Out of City Centre retail use, charged at a rate of £212.61 per sqm. There would be 356 sqm gross internal floorspace. As such, the CIL chargeable would be £75,689.16.

As such, it is the Officer's view that the CIL contribution would satisfy Policy S5 and it is not considered reasonable to request any further developer contributions in this case.

In addition, employment opportunities would result from the proposed development during the construction phase, with 62no. FTE posts during the operational phase.

This is considered to amount to an economic benefit.

The proposal is considered acceptable in terms of the local economy.

### 13. Planning Balance

The application site predominantly comprises a car park serving the adjacent Tesco superstore albeit this area of the large car park is currently unused.

As such, the existing lawful use of the site is the retail sale of goods, other than hot food, (E(a)).

The principle of the proposed change of use to hot food takeaways (Sui Generis) has been justified for the submitted sequential test and compliant with Local Plan Policy S5.

Therefore, the principle of the proposed development is acceptable in policy terms.

26no. objections have been received, relating predominantly to the principle, the impact on the residential amenity, late-night opening and anti-social behaviour.

No objections from consultees have been received regarding the principle of the proposed use or the impact on the residential amenity.

Conditions are recommended to mitigate the potential impact of odour, noise, light, litter and anti-social behaviour.

Late-night opening falls outside the remit of Planning and would be controlled via Licensing.

The benefits of the proposal include: efficient use of land, development of a brownfield site, economic benefits of construction jobs, 62no. FTE jobs during operation, and biodiversity enhancements.

For the above reasons, no adverse impacts would be considered to outweigh the benefits, when assessed against the policies in the NPPF or the Local Development Plan when taken as a whole.

The proposal is considered to constitute sustainable development overall and permission should be granted subject to conditions without delay.

## **17.0 Conclusion**

NPPF paragraph 11. states:

*Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay...*

In this case, the scheme is considered acceptable in principle and in accordance with the development plan.

The adverse impacts of this proposal would not outweigh the benefits, when assessed against the policies in this Framework taken as a whole

Therefore, planning permission should be granted with delay, subject to conditions and informatives.

## 18.0 Recommendation

GRANT PERMISSION subject to conditions and informatives below.

### Conditions:

#### 1) Time

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 ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

#### 2) Plans

The development hereby permitted shall not be carried out otherwise than in strict accordance with the following submitted details received by the Local Planning Authority:

- 6901-SA-2042-AL01, Rev.D Site Location Plan, received 05/04/2024
- 6901-SA-2042-L1104, Rev.E, Tesco Site Plan, received 26/06/2024
- 6901-SA-2042-P1002G Block Plan (NG100), received 05/07/24
- 6901-SA-2042-P1004F Site Layout Plan - As Proposed (NG100), received 05/07/24
- 6901-SA-2042-P1005, Rev.C Building Elevations & Sections (NG100), received 26/06/2024
- 6901-SA-2042-P1006, Rev.D Ground Floor & Roof Plans (NG100), received 26/06/2024
- 6901-SA-2042-SK39 Bin Store Plans and Elevations, received 05/04/2024
- EDS 07 3102\_01 Unit or Padmount Substation in GRP Enclosure, received 12/07/24
- 19489-VL\_L01, Rev.D\_Landscape Plan\_A1, received 09/07/2024
- 0400829579-00-01, LiAS Design Notes & Luminaire Schedule & Proposed Lighting Layout, Rev.3, received 05/04/2024

as modified by other conditions of this consent.

**Reason:** In order to ensure compliance with the approved drawings.

### Prior to commencement

#### 3) Cycle parking

Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development.

Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

**Reason:** To provide adequate facilities for sustainable transport.

This condition should be pre-commencement since it is essential that the proposed cycle parking is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

#### **4) Construction Management Plan**

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- a) the timetable of the works;
- b) daily hours of construction;
- c) any road closure;
- d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- h) hours during which no construction traffic will be present at the site;
- i) the means of enclosure of the site during construction works; and
- j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- k) details of wheel washing facilities and obligations
- l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- m) Details of the amount and location of construction worker parking.
- n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

The development shall be implemented in full accordance with the approved CMP.

**Reason:** In the interest of public safety and to prevent damage to the highway.

This condition should be pre-commencement since it is essential that the proposed construction management is shown to be feasible before works begin to avoid unnecessary delays.

#### **5) LLFA 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 McDonald's, Russell Way, Exeter, Drainage Statement (Report Ref. ST2042, Rev. 4, dated 22nd March 2024).
- 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.
- e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

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

**Reason:** The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

This condition 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.

#### **Prior to first use/occupation**

##### **6) Green Wall**

Prior to first use of the development hereby permitted, the green living wall shall be installed in accordance with 6901-SA-2042-P1005, Rev.C Building Elevations & Sections (NG100), received 26/06/2024, and maintained to achieve a high quality appearance thereafter.

**Reason:** To protect and enhance the visual amenity of the site and surrounding area, in particular, to improve public views of the northern elevations of the permitted building.

##### **7) BREEAM CONDITION**

Prior to first use of the development hereby permitted, evidence of a BREEAM Excellent as-built rating shall be submitted to the Local Planning Authority.

**Reason:** In the interests of sustainable development, carbon reduction and the Climate Emergency.

##### **8) LEMP**

Prior to the first use of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall include the following details:

- a) a description and evaluation of features to be managed including the green wall to be installed on the northern element of the permitted building;
- 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) a work schedule (including an annual work plan capable of being rolled forward over a five-year period);

- g) identification of the body or organization responsible for implementation of the LEMP;
- h) ongoing monitoring and remedial measures; and
- i) the legal and funding mechanisms by which the long-term implementation of the LEMP will be secured with the management bodies responsible for its delivery.

The LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall then be implemented and thereafter managed in accordance with the approved LEMP.

**Reason:** To safeguard the ecological interest ensuring compliance with Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 and the NPPF, and enhancing the biodiversity of the site.

#### **9) Odour**

The odour control measures described in the submitted report 'Odour Control Assessment For McDonald's Restaurant Tesco, Russell Way Exeter, EX2 7EZ Rev 00 CDM Partnership July 2023' shall be implemented in full prior to first use of the development hereby approved and maintained thereafter.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

#### **10) ASB**

Prior to first use of the development hereby approved, an Anti-Social Behaviour Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full thereafter.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

#### **11) CCTV**

Prior to first use of the development hereby approved, CCTV shall be installed and operated thereafter throughout the development, with clear Passport for Compliance Documents including an Operational Requirement in place. External coverage should include entry / exit points, parking spaces, cycle stands, patio area, delivery area and drive-thru lanes. Internally, the entrance lobby, queue and dining areas, staff / counter areas, cash and presenter booths, office and storage space should all be covered along with any further areas deemed necessary by the occupant. External footage should be capable of distinguishing vehicle registration plates and identifying people and internal footage should be to identification standard.

The CCTV shall be operated as such and maintained in full working order thereafter.

**Reason:** In order to help prevent/detect crime, disorder and anti-social behaviour.

#### **12) Travel Plan**

Prior to first use of the development hereby permitted, the recommendations of the approved Travel Plan by ADL Traffic and Highways Engineering Ltd, ref.

ADL/CC/3999/19A, dated March 2024, 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 ensure that the development promotes all travel modes to reduce reliance on the private car.

### **13) Electric Vehicle Charging**

Prior to first use of the development hereby permitted, the 4no. Electric Vehicle Charging Points (EVCPs), as shown in

- 6901-SA-2042-P1002G Block Plan (NG100), received 05/07/24
- 6901-SA-2042-P1004F Site Layout Plan - As Proposed (NG100), received 05/07/24

shall be implemented and maintained as such thereafter.

**Reason:** In the interests of sustainable transport, carbon reduction and the Climate Emergency.

### **14) Cycle facilities**

Prior to the first use of the development hereby permitted, the proposed 12no. cycle parking spaces and shower, lockers, changing and drying facilities for cyclists as shown in:

- 6901-SA-2042-P1006, Rev.D Ground Floor & Roof Plans (NG100), received 26/06/2024
- 6901-SA-2042-P1004F Site Layout Plan - As Proposed (NG100), received 05/07/24

shall be provided and maintained in good working order thereafter.

**Reason:** In the interests of sustainable transport, carbon reduction and the Climate Emergency.

### **15) Footway/cycle path**

Prior to the first use of the development hereby permitted, the proposed 3m wide pedestrian/cycle link from the Tesco car park to the Cycle Track from Pynes Hill to Old Rydon Lane shown in 6901-SA-2042-P1004F Site Layout Plan - As Proposed (NG100), received 05/07/24, shall be implemented and maintained as such thereafter.

**Reason:** In the interests of sustainable transport, carbon reduction and the Climate Emergency.

### **16) Road from Russell Way to Tesco**

Prior to the first use of the development hereby permitted, the proposed footway and bus shelter alterations to the north of the site at Road from Russell Way to Tesco shown in 6901-SA-2042-P1004F Site Layout Plan - As Proposed (NG100), received 05/07/24, shall be implemented and maintained as such thereafter.

**Reason:** In the interests of sustainable transport, carbon reduction and the Climate Emergency.

### **17) Solar panels**

Prior to the first use of the development hereby permitted, the solar panels shall have been implemented in accordance with the approved plan, 6901-SA-2042-P1006, Rev.D Ground Floor & Roof Plans (NG100), received 26/06/2024, and shall be maintained in full operational use thereafter.

**Reason:** In the interests of renewable energy sources and the Climate Emergency.

### **18) Parasol/awning**

Prior to the first use of the development hereby permitted, parasols or awnings shall be installed to protect users of the outdoor seating areas from the sun, and these shall be used at times of strong sunlight and maintained in good working order thereafter.

**Reason:** Required to safeguard and enhance the amenity and comfort of users of the outdoor seating areas.

### **Other**

### **19) Materials**

The materials and finishes to be used in the construction of the external surfaces, windows and doors of the development hereby permitted, shall be implemented in accordance with the following approved details,

- 6901-SA-2042-P1005, Rev.C Building Elevations & Sections (NG100), received 26/06/2024
- 6901-SA-2042-SK39 Bin Store Plans and Elevations, received 05/04/2024
- Goal Post and McDigit COD Canopy brochure, 04/01/2024.

and maintained as such.

**Reason:** In the interests of visual amenity and character of the area.

### **20) Tree protection**

No development (including ground works) or vegetation clearance works shall take place other than in accordance with the approved Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan In Accordance with BS 5837:2012, ref. 10123, Rev.C, and Tree Survey, Arboricultural Impact Assessment Plan, ref. A10123-D-AIA-Rev B, by Hayden's Arboricultural Consultants Limited, received 05/04/24.

The approved method statements shall be adhered to in full unless otherwise agreed in writing by the Local Planning Authority. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during the construction.

**Reason:** Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.

## **21) Tree retention**

In this condition 'retained trees' means an existing tree which is to be retained in accordance with the approved plans and schedule; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and schedule, without the approval, in writing, of the Local Planning Authority. Any pruning approved shall be carried out in accordance with the current British Standard 3998 (Tree Work - Recommendations).
- b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

**Reason:** Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.

## **22) Landscaping**

The landscaping scheme set out in the approved documents:

- 19489-VL\_L01D\_Landscape Plan\_A1, 09/07/2024
- 19489-VL\_L02D\_Raised Planters Planting Plan\_A1, 09/07/2024
- 19489-VL\_L03\_Soft Landscape Specification\_A2, 09/07/2024

shall be carried out in the first planting season after commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, and shall be maintained for a period of 5 years. Such maintenance shall include the replacement of any trees and shrubs that die.

**Reason:** Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.

## **23) CEMP**

No development (including ground works) or vegetation clearance works shall take place other than in accordance with the McDonald's Russell Way, Exeter (ST2042) Construction Environmental Management Plan by Glanville and dated 22 Mar 24. Notwithstanding the above, any development (including ground works and deliveries) or vegetation clearance works shall only take place in accordance with the following provisions:

- a) Operations between 8:00 and 18:00 Monday to Friday, 8:00 and 13:00 on Saturdays with no works on Sundays or Bank Holidays.
- b) All plant and equipment based at the site to use white noise reversing alarms or a banksman unless agreed otherwise in writing with the LPA.
- c) No driven piling without prior consent from the LPA.
- d) No emissions of dust beyond the site boundary so as to cause harm to amenity of the locality.

- e) No burning on site during construction or site preparation works.
- f) All non-road mobile machinery (NRMM) based at the site shall be of at least stage IIIB emission standard (or higher if stage IIB has not been defined for the type of machinery) unless agreed otherwise in writing in the CEMP.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

#### **24) Noise**

Cumulative noise from all building services plant shall not exceed a rating noise level of 5dB below the background noise level, measured at 1m from the façade of a residential receptor and in accordance with BS4142:2014. There shall be no servicing of the premises except between the hours of 06.00 and 23.00. (This includes collections of refuse/recycling).

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

#### **25) Litter**

The development hereby permitted shall be implemented in accordance with the approved McDonald's Litter Management Plan, received 05/0424, and implemented in full thereafter. The approved Litter Management Plan shall be implemented in full throughout the operation of the premises.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

#### **26) Highways surface water**

In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

**Reason:** In the interest of public safety and to prevent damage to the highway.

#### **27) Root protection**

Utility runs must be located outside of the root protection areas (RPAs) of retained trees. Where the installation of services within the RPAs of retained trees is unavoidable, this must be addressed by an Arboricultural Method Statement that is to be approved by Exeter City Council.

**Reason:** Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990

#### **28) ECOLOGY**

The development hereby permitted shall be implemented in accordance with the approved Hazel Dormouse, Birds, Badger & Invasive Plants Method Statement July24 V2, by Practical Ecology, received 01/07/2024 and implemented in full thereafter. The approved Method Statement shall be implemented in full throughout the operation of the premises.

**Reason:** To safeguard the ecological interest of the site and ensure compliance with Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 and the NPPF.

### **29) Biodiversity Enhancement Plan**

The development hereby permitted shall be implemented in accordance with the approved Biodiversity Enhancement Plan V5, received 01/07/24 and implemented in full thereafter. The approved Biodiversity Enhancement Plan shall be implemented in full throughout the operation of the premises.

**Reason:** To safeguard the ecological interest of the site and ensure compliance with Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 and the NPPF.

### **30) Substation**

Prior to the installation of the substation, a soft landscaping plan shall be submitted to and approved by the Local Planning Authority to provide visual screening of the substation. Thereafter, the substation and soft landscaping screening shall be implemented in accordance with approved details and maintained as such.

**Reason:** In the interests of the visual amenity of the site and surrounding area.

## **Informatives:**

### **1) NPPF PROACTIVE**

In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission..

### **2) Odour**

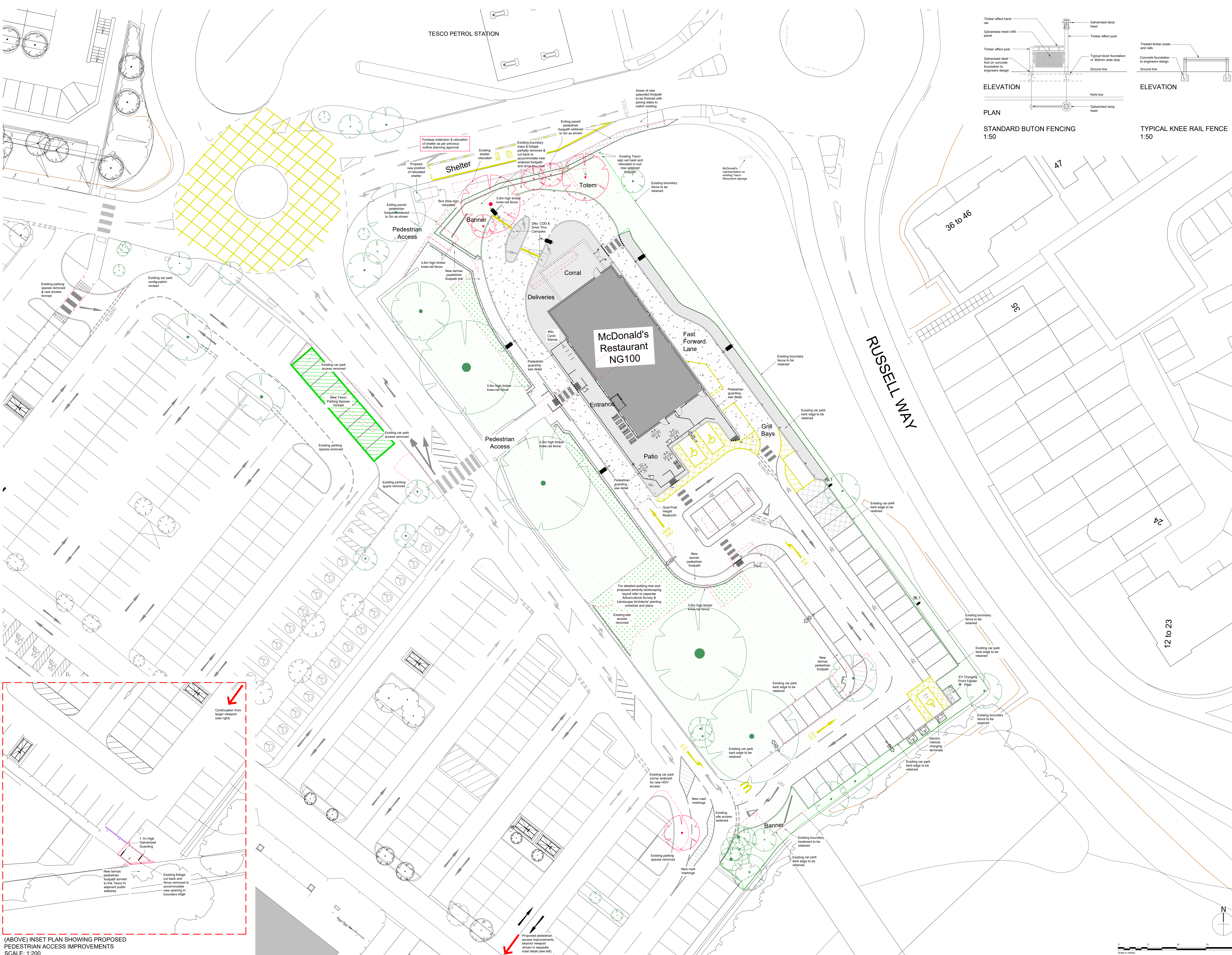
Although an odour management system has been approved as part of this consent, the operator of the premises should be aware that no system can be guaranteed to be effective. Should complaints of odour be received, these will be investigated by Environmental Health and formal action taken to bring about improvements in odour management if required.

### **3) CCTV**

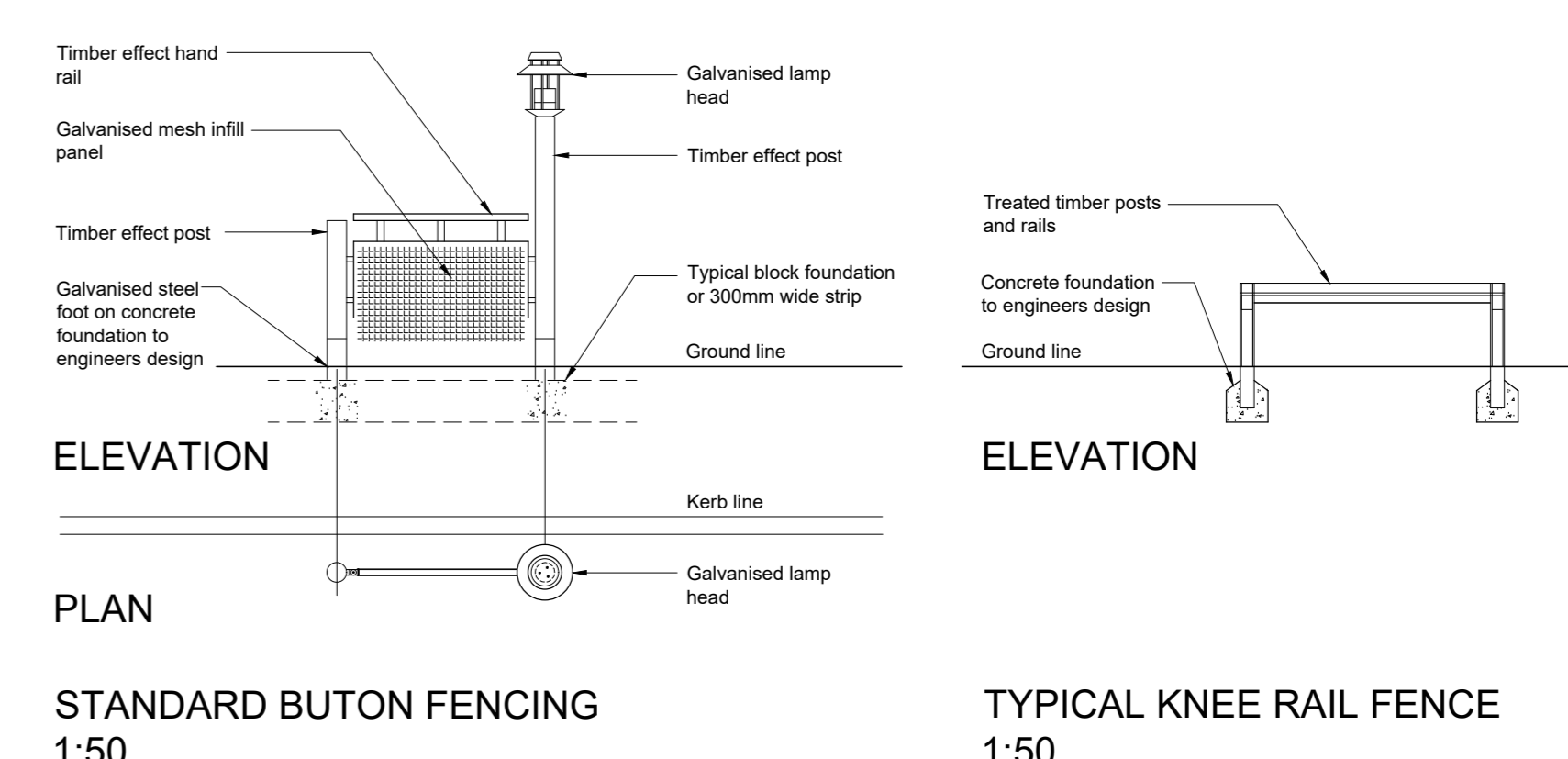
- A Passport for Compliance Document, including an Operational Requirement (OR) must be drawn up prior to installation to ensure any system will be fit for purpose.
- Approved CCTV installers should be used and can be searched for at: [www.nsi.org.uk](http://www.nsi.org.uk) or [www.ssaib.org](http://www.ssaib.org)
- Cameras, wiring and recording or monitoring equipment should be secured.
- CCTV should be designed in co-ordination with external lighting and landscaping.
- The CCTV must have a recording format that is acceptable to the Police.
- Recorded images must be of evidential quality if intended for prosecution.
- Any CCTV is advised to be installed to BS EN 50132-7: CCTV surveillance systems for use in security applications.

- CCTV systems may have to be registered with the Information Commissioners Office (ICO) and be compliant with guidelines in respect to Data Protection and Human Rights legislation. Further information is available via [www.ico.gov.uk](http://www.ico.gov.uk)
- For guidance on the use of CCTV images as legal evidence see also BS 7958:2005 CCTV Management and Operation Code of Practice.





(ABOVE) INSET PLAN SHOWING PROPOSED PEDESTRIAN ACCESS IMPROVEMENTS SCALE: 1:200



- Notes:**  
 All drawings to be read in conjunction with all other drawings as noted on issue sheet.
- Proposed Site Finishes:**
- Tarmacadam - Car park and footpaths as indicated.
  - Charcoal imprinted concrete - Drive thru lane.
  - Manholes 200 x 100mm Charcoal Keylock paving - Pave
  - Charcoal brushed concrete - delivery route.
  - New paving (to match existing adjacent pedestrian walkway - details to be confirmed).
  - Brushed concrete - Corral.
  - Existing Soft Landscaping.
  - New Soft Landscaping - refer to Landscape Architects drawings for further details.
  - Tactile Slab Paving.

- External Fixtures & Fittings:**
- Auburn - Range Euroline 3 Max 2015 Electrogalvanised steel structure, PPC RAL 7022. Table legs made of extruded aluminium, PPC RAL 7022. Table swivel & plate in 12mm HPL, panel with 12mm beech plywood HPL veneer. Coffee table, single chair, bench, round table, and 2 seat table must be fixed to the ground.
  - 4 Seat Rectangular Table
  - 4 Seat Round Table
  - One Armrest Bench (left or right)
  - Coffee Table
  - Single Chair
  - Dust Bin with "Tidy Man" Sticker
  - Target Trash Bin
  - Carroll Delta Large Aperture Litter Bin by Glasdon
  - 500mm x 470mm high x 155mm high. Bin body & door: Black.
  - Ash Bin
  - Cycle Stand
  - Stainless steel Sheffield cycle stands @ 800mm centres.
  - Pedestrian Guarding
  - 1500mm x 600mm long x 1100mm high. Timber effect galvanised steel.

**General Site Proposal Notes:**  
 Golden arch road markings to be yellow thermoplastic. Drive thru related road markings to be yellow thermoplastic.  
 Accessible parking bays to be lined in yellow thermoplastic - to suit Part 4 of standards.  
 Parked order bays and numbers to be lined in yellow thermoplastic.  
 All other road markings to be white thermoplastic material unless otherwise stated.

- Drop kerb - Adjacent to accessible parking, pedestrian crossings and along delivery routes.
- Cranked Bolts
- McDonald's standard cranked bolted, painted white.
- Bolts
- 4 Bolt Hex Heavy duty bolted 25mm OD 120mm high or similar approved. Colour Grey (RAL 9007).
- COO
- PPC Aluminium Speaker Post (RAL 7022 Grey) 550w x 200d x 1570mm high with white acrylic canopy over 2900w x 3500d x 3000mm high.
- Height Restraint
- PPC black 150mm dia circular hollow section steel Goal Post height restraint with warning bar supported on chains. With sign above to read 'Maximum Height 2m 10' 10" 100mm flat top green background. O/A size x 4500mm wide x 2000mm high.
- Outline of New Tesco Parking Bays
- Items to be demolished or removed
- External Lighting Column
- Luma Gen2 Medium BGP704
- 80 LED DW50 15KLM NW
- LED-HB S 28 740
- Mounting height = 6m
- External Lighting Column
- Luma Gen2 Medium BGP704
- 80 LED DW50 BL1 15KLM NW
- LED-HB S 28 740
- Mounting height = 6m
- External Lighting Column
- Luma Gen2 Medium BGP704
- 80 LED DW50 BL1 15KLM NW
- LED-HB S 28 740
- Mounting height = 6m
- Electric Vehicle Charging Point
- 750w x 550d x 2000mm high
- Supporter and EV charge point style to be confirmed.
- Interwall Electric Vehicle Charging Point Feeder Pillar
- 1725w x 850d x 2325mm high. External finish Green.
- Existing trees to be retained
- Existing trees to be removed

**GENERAL NOTES**  
 All works to be carried out in accordance with the relevant British Standards.  
 All materials to be used shall be of the highest quality and shall be subject to inspection.  
 All work shall be carried out in accordance with the relevant British Standards.  
 All work shall be carried out in accordance with the relevant British Standards.

PROJECT: McDonald's Restaurant NG100  
 LOCATION: Tesco, Russell Way, Exeter Vale, Ex2 7EZ  
 DRAWING NO: 6901-SA-2042-P1004  
 DATE: 12/06/2024

Scale: 1:200

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## REPORT TO: PLANNING COMMITTEE

Date of Meeting: 4<sup>th</sup> September 2023

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 Director of City Development (Ian Collinson) 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

**Ian Collinson**

Director of City Development

**All Planning Decisions Made and Withdrawn Applications  
between 29/05/2024 and 18/07/2024**

<b>Alphington</b>	
<b>Delegated Decision</b>	
Application Number: 20/1713/FUL	Delegation Briefing: 23/05/2024
Decision Type: Permitted	Date: 24/06/2024
Location Address: Franklyn House Franklyn Drive Exeter Devon EX2 9HS	
Proposal: Extension of existing parking area on southern part of site	
<b>Delegated Decision</b>	
Application Number: 23/1317/LPD	Delegation Briefing:
Decision Type: Was not lawful use	Date: 31/05/2024
Location Address: Tuffnells Parcels Express Silverton Road Exeter EX2 8NN	
Proposal: Certificate of lawfulness of proposed use for the use of premises as an indoor trampoline park (Use class E)	
<b>Delegated Decision</b>	
Application Number: 23/1452/MDO	Delegation Briefing:
Decision Type: Permitted	Date: 21/06/2024
Location Address: Land At Aldens Farm East Chudleigh Road Exeter	
Proposal: Request to revise the S106 Obligation under S106(A) for outline planning permission 15/0640/OUT proposal to revise the mix of Restricted Dwellings and the programme for the completion of Open Space.	
<b>Delegated Decision</b>	
Application Number: 24/0324/FUL	Delegation Briefing: 11/04/2024
Decision Type: Permitted	Date: 10/06/2024
Location Address: Unit 6A Stone Lane Retail Park Marsh Barton Road Exeter EX2 8LH	
Proposal: Refurbishment and sub-division of Unit 6a for continued use within Class E(a), new shop front with two customer entrances, reconfiguration of car park to the front of the unit and associated minor landscape works.	
<b>Delegated Decision</b>	
Application Number: 24/0363/FUL	Delegation Briefing: 25/04/2024
Decision Type: Permitted	Date: 31/05/2024
Location Address: 38 Cowick Lane Exeter EX2 9HB	
Proposal: Dropped kerb to create vehicle access	

<b>Delegated Decision</b>	
Application Number: 24/0386/FUL	Delegation Briefing: 25/04/2024
Decision Type: Permitted	Date: 09/07/2024
Location Address: 15 Ashleigh Exeter EX2 8YU	
Proposal: Two-storey side and single-storey rear extension.	
<b>Delegated Decision</b>	
Application Number: 24/0460/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 28/06/2024
Location Address: 141 Alphington Road Exeter EX2 8JD	
Proposal: Rear dormer roof extension and roof lights, ground floor rear extension, demolition of chimney and use of matching facing brick and repositioned windows on the rear projection. Change of use from a dwelling (Use Class C3) to a small house in multiple occupation for six people (Use Class C4).	
<b>Delegated Decision</b>	
Application Number: 24/0495/FUL	Delegation Briefing: 23/05/2024
Decision Type: Permitted	Date: 12/07/2024
Location Address: 2 Church Road Alphington Exeter EX2 8SB	
Proposal: Alterations and extension to dwelling	
<b>Delegated Decision</b>	
Application Number: 24/0496/LBC	Delegation Briefing: 23/05/2024
Decision Type: Permitted	Date: 12/07/2024
Location Address: 2 Church Road Alphington Exeter EX2 8SB	
Proposal: Alterations and extension to dwelling	
<b>Delegated Decision</b>	
Application Number: 24/0519/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 13/06/2024
Location Address: Exonbury House Ide Village Road Pocombe Bridge Exeter EX2 9SW	
Proposal: Oak (T2) - fell because of an open structural defect and deterioration diminishing stability throughout the lower and mid stem. Tree targeting busy road and house with garden landscaped to high standards. Horse Chestnut (T7) - fell because in decline and slenderness occurs as the crown form is constrained by neighbouring trees and is covered with heavy clad of ivy. Tree not visible to the wider public.	
<b>Delegated Decision</b>	
Application Number: 24/0552/PD	Delegation Briefing: 30/05/2024
Decision Type: Prior Approval Not Required	Date: 26/06/2024
Location Address: Gilbert House Grace Road West Exeter EX2 8PU	
Proposal: Change of use from business (Use Class E - Day Nursery) to a State Funded School (Use Class F1)	

<b>Delegated Decision</b>	
Application Number: 24/0693/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 09/07/2024
Location Address: 2 Woodville Road Exeter EX2 8JW	
Proposal: Increase in roof ceiling / roof height of the proposed extension.	
<b>Delegated Decision</b>	
Application Number: 24/0778/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 11/07/2024
Location Address: Land At Aldens Farm West Shillingford Road Exeter	
Proposal: Non-material amendment to approval 22/1454/RES: Changes to approved boundaries removal and replanting of boundary hedge, phasing of delivery of off-site cycle links and changes to brick type on Plots 53-56 from red to multi	
<b>Duryard And St James</b>	
<b>Delegated Decision</b>	
Application Number: 22/0264/FUL	Delegation Briefing: 26/05/2022
Decision Type: Permitted	Date: 06/06/2024
Location Address: 99 Howell Road Exeter Devon EX4 4JU	
Proposal: Conversion of existing building to form 6 apartments.	
<b>Delegated Decision</b>	
Application Number: 23/0759/FUL	Delegation Briefing: 21/09/2023
Decision Type: Refuse Planning Permission	Date: 22/06/2024
Location Address: Taddyforde House North Taddyforde Estate Exeter EX4 4AT	
Proposal: Provision of first floor office to existing double garage.	
<b>Delegated Decision</b>	
Application Number: 23/0895/FUL	Delegation Briefing: 13/06/2024
Decision Type: Permitted	Date: 11/07/2024
Location Address: Site Adjacent To Car Park At Sports Hall University Of Exeter Stocker Road Exeter	
Proposal: Single storey building pods recreating climatic conditions for plant growth experimentation (retrospective)	
<b>Delegated Decision</b>	
Application Number: 23/1483/FUL	Delegation Briefing: 14/12/2023
Decision Type: Refuse Planning Permission	Date: 14/06/2024
Location Address: 47 Union Road Exeter EX4 6HU	
Proposal: Single storey building containing purpose-built student accommodation comprising 6 bedrooms	

<b>Delegated Decision</b>	
Application Number: 24/0055/FUL	Delegation Briefing: 06/06/2024
Decision Type: Permitted	Date: 10/07/2024
Location Address: Bs Geoffrey Pope Stocker Road Exeter EX4 4QD	
Proposal: Install 2no. diesel generators to provide backup power and associated fuel store.	
<b>Delegated Decision</b>	
Application Number: 24/0295/FUL	Delegation Briefing: 04/04/2024
Decision Type: Permitted	Date: 06/06/2024
Location Address: 49 Cowley Bridge Road Exeter EX4 5AD	
Proposal: Balcony off the master bedroom, with stairs down into the garden	
<b>Delegated Decision</b>	
Application Number: 24/0347/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 11/06/2024
Location Address: 55 Cowley Bridge Road Exeter EX4 5AF	
Proposal: Discharge of condition 6 (details of privacy screen) of 23/0053/FUL	
<b>Delegated Decision</b>	
Application Number: 24/0361/FUL	Delegation Briefing: 18/04/2024
Decision Type: Permitted	Date: 29/05/2024
Location Address: 33 Argyll Road Exeter EX4 4RX	
Proposal: New front porch and conversion of existing garage to annexe with alterations.	
<b>Delegated Decision</b>	
Application Number: 24/0362/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 11/06/2024
Location Address: 33 Argyll Road Exeter EX4 4RX	
Proposal: Porch, rear dormer, hip-to-gable roof extensions, and rooflights to front elevation	
<b>Delegated Decision</b>	
Application Number: 24/0379/FUL	Delegation Briefing: 18/04/2024
Decision Type: Permitted	Date: 18/06/2024
Location Address: Hatherly Laboratories Prince Of Wales Road Exeter EX4 4PS	
Proposal: Demolition of existing single-storey extension and erection of replacement three-storey extension to rear of Hatherly building.	



<b>Delegated Decision</b>	
Application Number: 24/0395/FUL	Delegation Briefing: 25/04/2024
Decision Type: Permitted	Date: 21/06/2024
Location Address: 72 Victoria Street Exeter EX4 6JQ	
Proposal: Change of use from shop to residential, remove shop front, alter door and window on south-west elevation.	
<b>Delegated Decision</b>	
Application Number: 24/0410/FUL	Delegation Briefing: 09/05/2024
Decision Type: Permitted	Date: 04/07/2024
Location Address: 10 Velwell Road Exeter EX4 4LE	
Proposal: Replacement new timber windows and front door. Build single storey rear extension and rebuild the existing garden outhouse.	
<b>Delegated Decision</b>	
Application Number: 24/0431/FUL	Delegation Briefing: 25/04/2024
Decision Type: Permitted	Date: 13/06/2024
Location Address: 5 Springfield Road Exeter EX4 6JL	
Proposal: Change of use from HMO (C4 use) to HMO (sui generis use) with single storey extension to rear and associated internal alterations	
<b>Delegated Decision</b>	
Application Number: 24/0449/VOC	Delegation Briefing: 02/05/2024
Decision Type: Permitted	Date: 04/06/2024
Location Address: 35 Argyll Road Exeter EX4 4RX	
Proposal: Variation of condition 2 for previously approved Application 23/0457/FUL to allow for larger rear extension.	
<b>Delegated Decision</b>	
Application Number: 24/0475/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 11/06/2024
Location Address: 3 Taddyforde Court Exeter EX4 4AR	
Proposal: T1- Multi stemmed Bay Tree - Reduce in height by removing approximately x3.0 metres from branch tips points while retaining the main framework & shape of the crown & therefore a high proportion of the foliage bearing structure. Crown lift up to approximately x2.50 metres from ground level. Trim hard back all round to shape.	
<b>Delegated Decision</b>	
Application Number: 24/0488/FUL	Delegation Briefing:
Decision Type: Permitted	Date: 17/06/2024
Location Address: 16 Cowley Bridge Road Exeter EX4 5AD	
Proposal: Single-storey rear and side extension and internal alterations	

**Delegated Decision**

Application Number:	24/0540/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	12/06/2024
Location Address:	Alta Higher Duryard Pennsylvania Road Exeter EX4 5BQ		
Proposal:	carry out some tree work to a holm oak tree that has previously had a stem split out from the top you can see by the photos where I would like to reduce the crown to by approximately 2m. also the tree is leaning heavily over the drive. I'd also like to do this to reduce weight and sail effect of the tree in high winds to reduce the chance of falling in future. I believe there is a blanket TBO on the shaded in green area on the photos I attached going up the road side of the property. The red lines in the photos I've attached is where I would like to reduce the crown to		

**Exwick****Delegated Decision**

Application Number:	23/0131/MDO	Delegation Briefing:	
Decision Type:	Refuse Planning Permission	Date:	31/05/2024
Location Address:	Haven Orchard Exwick Lane Exeter Devon EX4 2AP		
Proposal:	Discharge of S106 Planning obligations relating to 05/0587/FUL		

**Delegated Decision**

Application Number:	23/0446/LED	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	27/06/2024
Location Address:	Land At Rear Of 58 Okehampton Road 58 Okehampton Road Exeter EX4 1EP		
Proposal:	Storage of private motor vehicles (B8 use)		

**Delegated Decision**

Application Number:	24/0367/FUL	Delegation Briefing:	18/04/2024
Decision Type:	Permitted	Date:	09/06/2024
Location Address:	Exwick Parish Hall Station Road Exwick Exeter EX4 2FD		
Proposal:	Demolition of existing single storey hall and construction of new two storey community centre and cafe with associated parking and landscaping works.		

**Delegated Decision**

Application Number:	24/0438/FUL	Delegation Briefing:	02/05/2024
Decision Type:	Permitted	Date:	19/06/2024
Location Address:	Kinnerton Court Kinnerton Way Exeter EX4 2EZ		
Proposal:	Replacement cladding on front elevation		

<b>Delegated Decision</b>	
Application Number: 24/0501/FUL	Delegation Briefing: 16/05/2024
Decision Type: Refuse Planning Permission	Date: 15/07/2024
Location Address: 2 Imperial Street Exeter EX4 1QZ	
Proposal: Alterations to roof to provide an additional bedroom and shower room	
<b>Delegated Decision</b>	
Application Number: 24/0520/FUL	Delegation Briefing: 23/05/2024
Decision Type: Permitted	Date: 09/07/2024
Location Address: 45 Knowle Drive Exeter EX4 2EH	
Proposal: Dormer extension to the front.	
<b>Heavitree</b>	
<b>County Decisions</b>	
Application Number: 24/0407/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 04/06/2024
Location Address: 15 Nicholas Road Exeter EX1 3AT	
Proposal: Rear single story extension.	
<b>Delegated Decision</b>	
Application Number: 24/0529/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 12/06/2024
Location Address: 10 North Avenue Exeter EX1 2DU	
Proposal: 1 x Holly - Reduce in height by 1m whilst matching the sides in to create a neat and tidy shape. 1 x Bay tree - remove tree to two feet above ground level in order for the fern to room to grow. Justification: Holly - Annual hedge trimming to create a neat and tidy shape. These works are to keep the holly bush at a manageable size and shape whilst looking aesthetically pleasing. Bay tree - This reduction is to increase the amount of light and spaces for surrounding ferns to continue to grow. A cyclic pruning regime will be initiated to increase the longevity of the tree, whilst making the tree a more manageable height.	
<b>Delegated Decision</b>	
Application Number: 24/0562/FUL	Delegation Briefing:
Decision Type: Permitted	Date: 16/07/2024
Location Address: 7 Ladysmith Road Exeter EX1 2PU	
Proposal: Replacing existing conservatory and log store with new single storey rear extension.	

**Delegated Decision**

Application Number: 24/0592/NMA Delegation Briefing:  
Decision Type: Permitted Date: 07/06/2024  
Location Address: 58 Chard Road Exeter EX1 3AX  
Proposal: Modification to layout and materials of external raised deck area.

**Mincinglake And Whipton****Delegated Decision**

Application Number: 23/1175/DIS Delegation Briefing:  
Decision Type: Condition(s) Partially Approved Date: 19/06/2024  
Location Address: Land Off Spruce Close And Celia Crescent Spruce Close Exeter  
Proposal: Discharge conditions 5 (Lighting Design Strategy), 7 (Surface Water Drainage), 11 (Trees/Birds), 12 (Landscaping Details and EMES), 14 (SAP), 15 (Bird/Bat Roost Details), 16 (Vehicular/Pedestrian/Cycle Route Details), 17 (Wearing Course Details), 18 (Rapid Charge Electric Vehicle Charging Points Details), 19 (Cycle Parking Details) and 20 (Car Parking Details) of planning permission ref. 20/0538/OUT - Outline application for up to 93 residential dwellings.

**Delegated Decision**

Application Number: 24/0335/FUL Delegation Briefing: 04/04/2024  
Decision Type: Permitted Date: 10/06/2024  
Location Address: 348 Pinhoe Road Exeter EX4 8AF  
Proposal: Single storey rear extension.

**Delegated Decision**

Application Number: 24/0578/PD Delegation Briefing: 06/06/2024  
Decision Type: Prior Approval Not Required Date: 10/07/2024  
Location Address: 18 Bettys Mead Exeter EX4 8LN  
Proposal: Single storey rear extension. Brick walls to match dwelling. Flat roof.

**Newtown And St Leonards****Delegated Decision**

Application Number: 23/1496/LBC Delegation Briefing:  
Decision Type: Withdrawn by Applicant Date: 29/05/2024  
Location Address: 21 Belmont Road Exeter EX1 2HF  
Proposal: The proposed works comprise:1. New rooflight to front elevation2. New roof light to rear elevation3. New upvc DG windows to rear elevation4. New external Insulation works to flank wall

<b>Delegated Decision</b>	
Application Number: 24/0312/LBC	Delegation Briefing: 25/04/2024
Decision Type: Permitted	Date: 29/05/2024
Location Address: 8 Baring Crescent Exeter EX1 1TL	
Proposal: Proposed archway between existing living room and new kitchen, new steel beam under kitchen floor.	
<b>Delegated Decision</b>	
Application Number: 24/0353/VOC	Delegation Briefing: 11/04/2024
Decision Type: Permitted	Date: 13/06/2024
Location Address: 5 Victoria Park Road Exeter EX2 4NT	
Proposal: Variation of condition two of 21/0518/FUL (Alterations including reconfiguring internal spaces, re-modelling roof, and new windows and doors. Re-modelling terrace to rear garden and new finishes to front garden) to approve revised drawings with alterations to the rear terrace	
<b>Delegated Decision</b>	
Application Number: 24/0369/FUL	Delegation Briefing: 11/04/2024
Decision Type: Permitted	Date: 21/06/2024
Location Address: 69 Magdalen Road Exeter EX2 4TA	
Proposal: Replacement windows and door	
<b>Delegated Decision</b>	
Application Number: 24/0373/VOC	Delegation Briefing: 11/04/2024
Decision Type: Permitted	Date: 13/06/2024
Location Address: 5 Victoria Park Road Exeter EX2 4NT	
Proposal: Variation of condition two of 21/0519/LBC (Alterations including reconfiguring internal spaces, re-modelling roof, and new windows and doors. Re-modelling terrace to rear garden and new finishes to front garden) to approve revised drawings with alterations to the rear terrace	
<b>Delegated Decision</b>	
Application Number: 24/0411/LBC	Delegation Briefing: 09/05/2024
Decision Type: Permitted	Date: 07/06/2024
Location Address: 17 19 Victoria Park Road Exeter EX2 4NT	
Proposal: Replace section of no. 17 roof and renew flat roof. Rebuild shared no 17 & 19 chimney stacks brickwork and re-render, original chimney pots to be restored.	
<b>Delegated Decision</b>	
Application Number: 24/0439/FUL	Delegation Briefing: 09/05/2024
Decision Type: Permitted	Date: 07/06/2024
Location Address: 2 Baring Crescent Exeter EX1 1TL	
Proposal: Single storey side extension	

<b>Delegated Decision</b>	
Application Number: 24/0440/FUL	Delegation Briefing: 16/05/2024
Decision Type: Permitted	Date: 28/06/2024
Location Address: 79 Barrack Road Exeter EX2 5ED	
Proposal: Two storey side extension, single storey rear extension and widen vehicular access with automatic gate.	
<b>Delegated Decision</b>	
Application Number: 24/0474/FUL	Delegation Briefing: 30/05/2024
Decision Type: Permitted	Date: 25/06/2024
Location Address: 10 Denmark Road Exeter EX1 1SL	
Proposal: Erection of single storey rear extension	
<b>Delegated Decision</b>	
Application Number: 24/0524/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 08/07/2024
Location Address: 19 Penleonard Close Exeter EX2 4NY	
Proposal: 4.0m single storey flat roof rear extension to a detached property.	
<b>Delegated Decision</b>	
Application Number: 24/0553/FUL	Delegation Briefing: 30/05/2024
Decision Type: Permitted	Date: 17/07/2024
Location Address: 7 Denmark Road Exeter EX1 1SL	
Proposal: Single storey side-return infill extension to rear of property.	
<b>Delegated Decision</b>	
Application Number: 24/0554/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 18/06/2024
Location Address: 51 Blackboy Road Exeter EX4 6TB	
Proposal: FELL T1 - Semi-mature Cherry Tree in rear garden, approx. 6m tall. The tree has been pruned back in the past, but is now becoming too large for the small back garden space.	
<b>Delegated Decision</b>	
Application Number: 24/0559/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 18/06/2024
Location Address: 40 Spicer Road Exeter EX1 1TA	
Proposal: T1 - Yew - Reduce in height by 4-5 feet, and shorten back all lateral branches by 2-3 feet, leaving a balanced form. Crown lift from the access drive by 2 feet.	

<b>Delegated Decision</b>	
Application Number: 24/0619/NMA	Delegation Briefing:
Decision Type: Refuse Planning Permission	Date: 18/06/2024
Location Address: Kingfisher House Western Way Barnfield Exeter EX1 2DE	
Proposal: Removal of existing cladding and provision of new replacement cladding to facilitate the installation of a non-combustible cement fire board over the structural frame of the building.	
<b>Delegated Decision</b>	
Application Number: 24/0623/FUL	Delegation Briefing: 20/06/2024
Decision Type: Prior Approval Not Required	Date: 10/07/2024
Location Address: 19 Penleonard Close Exeter EX2 4NY	
Proposal: Single storey back extension & loft conversion with rear dormers.	
<b>Pennsylvania</b>	
<b>Delegated Decision</b>	
Application Number: 24/0283/FUL	Delegation Briefing: 14/03/2024
Decision Type: Permitted	Date: 27/06/2024
Location Address: 7 Aldrin Road Exeter EX4 5DN	
Proposal: Change of use from 6 person HMO to 7 person HMO.	
<b>Delegated Decision</b>	
Application Number: 24/0318/LED	Delegation Briefing:
Decision Type: Was lawful use	Date: 21/06/2024
Location Address: 101 Pinhoe Road Exeter EX4 7HU	
Proposal: House in multiple occupation for seven people (sui generis use class)	
<b>Delegated Decision</b>	
Application Number: 24/0332/FUL	Delegation Briefing: 18/04/2024
Decision Type: Permitted	Date: 20/06/2024
Location Address: 64 Sylvan Road Exeter EX4 6HA	
Proposal: Change of use from language school to day nursery, with associated parking and picket fencing	
<b>Delegated Decision</b>	
Application Number: 24/0453/PD	Delegation Briefing:
Decision Type: Prior Approval Required and Refused	Date: 13/06/2024
Location Address: 31 Collins Road Exeter EX4 5DY	
Proposal: Single storey rear extension forming family kitchen living room.	

<b>Delegated Decision</b>			
Application Number:	24/0500/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	01/07/2024
Location Address:	52 Priory Road Exeter EX4 7AR		
Proposal:	Mono-pitched dormer window to the rear elevation		
<b>Delegated Decision</b>			
Application Number:	24/0539/PD	Delegation Briefing:	
Decision Type:	Prior Approval Not Required	Date:	10/07/2024
Location Address:	Pipers Chantry Rosebarn Lane Exeter EX4 6EL		
Proposal:	Erection of single storey rear extension extending 4.50m from the original rear extension, max height (to the top of the lantern light) 3.40m and eaves height of 2.47m		
<b>Delegated Decision</b>			
Application Number:	24/0557/PD	Delegation Briefing:	06/06/2024
Decision Type:	Permitted	Date:	15/07/2024
Location Address:	178 Monks Road Exeter EX4 7BL		
Proposal:	Single-storey, flat roof with single rooflight, rear brick extension.		
<b>Delegated Decision</b>			
Application Number:	24/0590/FUL	Delegation Briefing:	06/06/2024
Decision Type:	Permitted	Date:	17/07/2024
Location Address:	49 Sylvan Road Exeter EX4 6EY		
Proposal:	Ground floor rear extension to replace conservatory, infill of existing garage door with door and window, and raise garage roof.		
<b>Pinhoe</b>			
<b>Delegated Decision</b>			
Application Number:	23/0958/FUL	Delegation Briefing:	14/03/2024
Decision Type:	Refuse Planning Permission	Date:	05/07/2024
Location Address:	Land Off Church Hill Church Hill Pinhoe Exeter		
Proposal:	Construction of 18 zero carbon bungalows, together with access, associated landscaping, open space and infrastructure and demolition of existing buildings (Revised Plans and Additional Information Received 07.03.2024).		
<b>Delegated Decision</b>			
Application Number:	23/1481/FUL	Delegation Briefing:	23/05/2024
Decision Type:	Permitted	Date:	03/07/2024
Location Address:	2 Priestley Avenue Exeter EX4 8DG		
Proposal:	Raise garage roof and convert garage into habitable room.		



<b>Delegated Decision</b>	
Application Number: 24/0001/FUL	Delegation Briefing: 18/01/2024
Decision Type: Permitted	Date: 31/05/2024
Location Address: 13 Sunnymoor Close Exeter EX1 3TE	
Proposal: Demolition of existing conservatory for provision of new extension works	
<b>Delegated Decision</b>	
Application Number: 24/0303/ADV	Delegation Briefing:
Decision Type: Refuse Planning Permission	Date: 31/05/2024
Location Address: Land At Pinbrook Court Pinhoe Road/Venny Bridge Road Exeter EX4 8JQ	
Proposal: 1 x 4.5m flagpole style sign.	
<b>Delegated Decision</b>	
Application Number: 24/0343/FUL	Delegation Briefing: 11/04/2024
Decision Type: Permitted	Date: 30/05/2024
Location Address: 42 Stratford Avenue Exeter EX4 8ES	
Proposal: Proposed Rear and Side Extension	
<b>Delegated Decision</b>	
Application Number: 24/0388/FUL	Delegation Briefing: 30/05/2024
Decision Type: Permitted	Date: 28/06/2024
Location Address: 1 Saxon Avenue Exeter EX4 9HG	
Proposal: Roof conversion with side dormer, and kitchen extension at the rear.	
<b>Delegated Decision</b>	
Application Number: 24/0471/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 18/06/2024
Location Address: 20 Chancel Lane Exeter EX4 8PY	
Proposal: Side extension, rear extension, roof alterations including a dormer roof and roof lights and an outbuilding.	
<b>Delegated Decision</b>	
Application Number: 24/0505/FUL	Delegation Briefing: 09/05/2024
Decision Type: Permitted	Date: 28/06/2024
Location Address: 12 Harrington Lane Exeter EX4 8SD	
Proposal: Rear extension and loft conversion	

<b>Delegated Decision</b>	
Application Number: 24/0544/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 04/07/2024
Location Address: 17 Station Road Pinhoe Exeter EX1 3SA	
Proposal: Lawful Development Certificate (Proposed): Rear dormer roof extension and installation of rooflights to front roofslope	
<b>Prory</b>	
<b>Delegated Decision</b>	
Application Number: 23/1315/FUL	Delegation Briefing: 07/03/2024
Decision Type: Permitted	Date: 14/06/2024
Location Address: Land Adjacent To Mill Road Mill Road Exeter EX2 6LH	
Proposal: Change of use of land to create public open space, erection of A1 timber information board and associated minor works. The proposal forms part of a Heritage Trail around Higher Countess Wear.	
<b>Delegated Decision</b>	
Application Number: 23/1475/FUL	Delegation Briefing: 28/12/2023
Decision Type: Permitted	Date: 04/06/2024
Location Address: Land To The South Of Pynes Hill Pynes Hill Exeter	
Proposal: Construction of commercial office development of 3,060 sq m (32,941 sq ft) in Use Class E(g)(i) incorporating sustainable technology, new pedestrian and vehicular access off Pynes Hill, car and cycle parking, sustainable urban drainage (SUDs), and landscaping.	
<b>Delegated Decision</b>	
Application Number: 24/0370/FUL	Delegation Briefing: 25/04/2024
Decision Type: Permitted	Date: 10/06/2024
Location Address: Fort Villa 1 Wonford Street Exeter EX2 5HU	
Proposal: Single storey outbuilding to rear of main building.	
<b>Delegated Decision</b>	
Application Number: 24/0391/FUL	Delegation Briefing: 18/04/2024
Decision Type: Permitted	Date: 03/06/2024
Location Address: 13 Swallowfield Road Exeter EX2 6JD	
Proposal: Single storey flat roofed side infill extension between the existing house and garage	
<b>Delegated Decision</b>	
Application Number: 24/0414/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 03/06/2024
Location Address: 4 Fernpark Close Exeter EX2 6AW	
Proposal: Change material of roof from Zinc to GRP Adding Solar panels Revised window designs	

<b>Delegated Decision</b>			
Application Number:	24/0466/FUL	Delegation Briefing:	09/05/2024
Decision Type:	Refuse Planning Permission	Date:	01/07/2024
Location Address:	54 Hurst Avenue Exeter EX2 5LF		
Proposal:	Two-storey side extension.		
<b>Delegated Decision</b>			
Application Number:	24/0514/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	02/07/2024
Location Address:	10 Salmonpool Lane Exeter EX2 4SN		
Proposal:	Hipped to gable roof with rear dormer and internal alterations		
<b>St Davids</b>			
<b>Delegated Decision</b>			
Application Number:	23/0228/FUL	Delegation Briefing:	01/06/2023
Decision Type:	Refuse Planning Permission	Date:	14/06/2024
Location Address:	River Meadows Water Lane Exeter Devon EX2 8BD		
Proposal:	Alterations and extension to building at roof level to provide 2 additional flats in loft space		
<b>Delegated Decision</b>			
Application Number:	23/0918/LBC	Delegation Briefing:	10/08/2023
Decision Type:	Permitted	Date:	05/07/2024
Location Address:	59 High Street Exeter EX4 3DL		
Proposal:	Maintenance and repair works to the external building front and rear facades and roof.		
<b>Delegated Decision</b>			
Application Number:	24/0071/FUL	Delegation Briefing:	28/03/2024
Decision Type:	Permitted	Date:	29/05/2024
Location Address:	Public Convenience Ladies Toilets Guinea Street Exeter		
Proposal:	Former Ladies Public Conveniences converted to restaurant storage with water and electricity.		
<b>Delegated Decision</b>			
Application Number:	24/0085/RES	Delegation Briefing:	08/02/2024
Decision Type:	Permitted	Date:	11/07/2024
Location Address:	Exeter College Further Education Hele Road Exeter EX4 4JS		
Proposal:	Approval of reserved matters of access, appearance, landscaping, layout and scale for Phase 2A involving partial demolition of Baker Building and new elevation to retained element, construction of Block B and associated landscaping, and an amended Phasing Plan, pertaining to outline permission ref. 19/0315/OUT.		

<b>Delegated Decision</b>	
Application Number: 24/0208/LED	Delegation Briefing:
Decision Type: Was lawful use	Date: 21/06/2024
Location Address: 18 Friernhay Street Exeter EX4 3AR	
Proposal: Existing use of building and garden as a dwelling (C3 use)	
<b>Delegated Decision</b>	
Application Number: 24/0254/FUL	Delegation Briefing: 28/03/2024
Decision Type: Permitted	Date: 17/07/2024
Location Address: The Malthouse 7 Haven Road Exeter EX2 8BP	
Proposal: Refurbishment/conversion of the Harvester into a Browns Brassier & Bar. Internal alterations to modern public house fitting and fixtures to replace one bar fit-out with another. External works include the creation of a terrace seating area.	
<b>Delegated Decision</b>	
Application Number: 24/0255/LBC	Delegation Briefing: 28/03/2024
Decision Type: Permitted	Date: 17/07/2024
Location Address: The Malthouse 7 Haven Road Exeter EX2 8BP	
Proposal: Refurbishment/conversion of the Harvester into a Browns Brassier & Bar. Internal alterations to modern public house fitting and fixtures to replace one bar fit-out with another. External works include the creation of a terrace seating area.	
<b>Delegated Decision</b>	
Application Number: 24/0299/FUL	Delegation Briefing: 11/04/2024
Decision Type: Permitted	Date: 21/06/2024
Location Address: 5 Friars Walk Exeter EX2 4AY	
Proposal: Alterations to side extension (previously approved / consented scheme: APP/Y1110/W/20/3250842 and APP/Y1110/Y/20/3255786).	
<b>Delegated Decision</b>	
Application Number: 24/0300/LBC	Delegation Briefing: 11/04/2024
Decision Type: Permitted	Date: 21/06/2024
Location Address: 5 Friars Walk Exeter EX2 4AY	
Proposal: Alterations to front door surround, window locations and roof alignments of side extension (previously approved / consented scheme: APP/Y1110/W/20/3250842 and APP/Y1110/Y/20/3255786) and replace external render finishes and detailing.	
<b>Delegated Decision</b>	
Application Number: 24/0340/LBC	Delegation Briefing: 09/05/2024
Decision Type: Permitted	Date: 03/07/2024
Location Address: 1 Cathedral Close Exeter EX1 1EZ	
Proposal: Dry line the walls and ceiling of the third floor.	

<b>Delegated Decision</b>	
Application Number: 24/0342/LBC	Delegation Briefing: 09/05/2024
Decision Type: Permitted	Date: 05/06/2024
Location Address: 25 - 26 Gandy Street Exeter EX4 3LS	
Proposal: Removal of external metal Fire Escape from the side of the building.	
<b>Delegated Decision</b>	
Application Number: 24/0377/LBC	Delegation Briefing: 09/05/2024
Decision Type: Permitted	Date: 10/06/2024
Location Address: 1 Cathedral Close Exeter EX1 1EZ	
Proposal: Signage including logo and text to awning, and three fascia signs	
<b>Delegated Decision</b>	
Application Number: 24/0420/LBC	Delegation Briefing: 25/04/2024
Decision Type: Permitted	Date: 29/05/2024
Location Address: North Warehouse Kings Wharf The Quay Exeter EX2 4AN	
Proposal: Replacement of painted timber sash bay windows on first and second floor with heritage double glazing to match existing arrangement and finish.	
<b>Delegated Decision</b>	
Application Number: 24/0423/ADV	Delegation Briefing: 02/05/2024
Decision Type: Permitted	Date: 03/06/2024
Location Address: The Malthouse 7 Haven Road Exeter EX2 8BP	
Proposal: Installation of 4no. built up Halo LED illuminated individual letters, 1no. Brass Plaque, 1 set illuminated built up letters, 1no single sided post mounted sign, 1no brass menu case and 1no built up non-illuminated individual letters	
<b>Delegated Decision</b>	
Application Number: 24/0424/LBC	Delegation Briefing: 02/05/2024
Decision Type: Permitted	Date: 03/06/2024
Location Address: The Malthouse 7 Haven Road Exeter EX2 8BP	
Proposal: Installation of 4no. built up Halo LED illuminated individual letters (Figure 2 - No.1A, 1B, 6), 1no. Brass Plaque (Figure 2 - No.2), 1 set illuminated built up letters (Figure 2 - No.3), 1no single sided post mounted sign (Figure 2 - No.4), 1no brass menu case (Figure 2 - No.5) and 1no built up non-illuminated individual letters (Figure 2 - No.7).	
<b>Delegated Decision</b>	
Application Number: 24/0441/LBC	Delegation Briefing: 02/05/2024
Decision Type: Permitted	Date: 03/06/2024
Location Address: 53 - 54 High Street Exeter EX4 3DJ	
Proposal: Replacement non-illuminated signage.	

<b>Delegated Decision</b>	
Application Number: 24/0443/ADV	Delegation Briefing: 02/05/2024
Decision Type: Permitted	Date: 03/06/2024
Location Address: 53 - 54 High Street Exeter EX4 3DJ	
Proposal: Replacement non-illuminated signage.	
<b>Delegated Decision</b>	
Application Number: 24/0445/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 14/06/2024
Location Address: 36 Feltrim Avenue Exeter EX2 4RP	
Proposal: Discharge of condition 3- External Material- Aluminum Framed Doors and Windows.	
<b>Delegated Decision</b>	
Application Number: 24/0497/DIS	Delegation Briefing:
Decision Type: Permitted	Date: 09/07/2024
Location Address: The Harlequin Centre Paul Street Exeter EX4 3TT	
Proposal: Discharge condition 3 (Written Scheme of Archaeological Work) of planning permission ref. 21/1104/FUL - Development of two Co-Living (Sui Generis) accommodation blocks, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk.	
<b>Delegated Decision</b>	
Application Number: 24/0526/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 03/06/2024
Location Address: 9 Eastgate St Davids Exeter EX1 1GB	
Proposal: To replace existing external signage to the latest brand font, remove highlevel internal vinyl facing Eastgate and to remove internal window signage facing Paris St	
<b>Delegated Decision</b>	
Application Number: 24/0536/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 18/07/2024
Location Address: Iron Bridge Exeter EX4 3RD	
Proposal: Certificate of lawfulness sought for repairs to the Iron Bridge.	

<b>Delegated Decision</b>			
Application Number:	24/0568/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	18/07/2024
Location Address:	20 Cathedral Yard Exeter EX1 1HB		
Proposal:	Window decal sign, two externally illuminated joinery fascia signs, internally illuminated menu boxes, externally illuminated joinery projecting sign and two awning signs		
<b>Delegated Decision</b>			
Application Number:	24/0580/LBC	Delegation Briefing:	06/06/2024
Decision Type:	Permitted	Date:	11/07/2024
Location Address:	The Ivy 65 - 67 High Street Exeter EX4 3DT		
Proposal:	Installation of internal lobby		
<b>Delegated Decision</b>			
Application Number:	24/0611/FUL	Delegation Briefing:	13/06/2024
Decision Type:	Permitted	Date:	17/07/2024
Location Address:	190 Topsham Road Exeter EX2 4SH		
Proposal:	Single storey rear extension		
<b>Delegated Decision</b>			
Application Number:	24/0616/FUL	Delegation Briefing:	13/06/2024
Decision Type:	Permitted	Date:	11/07/2024
Location Address:	H□M 17 High Street Exeter EX4 3LF		
Proposal:	Replacing existing cladding to the entire ground floor street level facade (updating of signage via separate ADV application).		
<b>Delegated Decision</b>			
Application Number:	24/0617/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	11/07/2024
Location Address:	17 High Street Exeter EX4 3LH		
Proposal:	500H Flag/projecting signs (3no - all the same)500H H&M Fascia sign (1no)400H H&M HOME Fascia sign (1no)		
<b>Delegated Decision</b>			
Application Number:	24/0661/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Partially Approved	Date:	08/07/2024
Location Address:	1 Cathedral Close Exeter EX1 1EZ		
Proposal:	Please see attached covering letter		

<b>Delegated Decision</b>			
Application Number:	24/0671/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Partially Approved	Date:	21/06/2024
Location Address:	1 Cathedral Close Exeter EX1 1EZ		
Proposal:	Please see attached covering letter		
<b>Delegated Decision</b>			
Application Number:	24/0733/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Partially Approved	Date:	08/07/2024
Location Address:	1 Cathedral Close Exeter EX1 1EZ		
Proposal:	Please see attached covering letter		
<b>Delegated Decision</b>			
Application Number:	24/0794/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged	Date:	18/07/2024
Location Address:	4A St Davids Hill Exeter EX4 3RG		
Proposal:	Discharge of condition three of 23/0661/FUL (doors, windows, and balustrade)		
<b>St Loyes</b>			
<b>Delegated Decision</b>			
Application Number:	23/1095/FUL	Delegation Briefing:	19/10/2023
Decision Type:	Permitted	Date:	05/06/2024
Location Address:	Land West Of Ringswell Avenue Former St Lukes School Site Ringswell Avenue Exeter EX1 3EG		
Proposal:	Construction of detached 3 bed bungalow with parking, landscaping and associated works (C3 Use Class).		
<b>Delegated Decision</b>			
Application Number:	24/0146/FUL	Delegation Briefing:	04/04/2024
Decision Type:	Refuse Planning Permission	Date:	21/06/2024
Location Address:	126 Woodwater Lane Exeter EX2 5AT		
Proposal:	Single storey side extension 4m X 7m with roof terrace.		
<b>Delegated Decision</b>			
Application Number:	24/0354/FUL	Delegation Briefing:	02/05/2024
Decision Type:	Permitted	Date:	10/06/2024
Location Address:	17 Walton Road Exeter EX2 5RE		
Proposal:	Two-storey side extension with alterations		



<b>Delegated Decision</b>	
Application Number: 24/0450/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 04/06/2024
Location Address: Site Office And Land West Of Ringswell Avenue Formr St Lukes School Site Ringswell Avenue Exeter	
Proposal: Part-discharge condition 10 (CO2 saving Report) of planning permission ref. 19/1406/FUL - Construction of 60 dwellings (use class C3), means of access, public open space and associated infrastructure.	
<b>Delegated Decision</b>	
Application Number: 24/0454/FUL	Delegation Briefing: 02/05/2024
Decision Type: Permitted	Date: 05/06/2024
Location Address: 47 Birchy Barton Hill Exeter EX1 3EX	
Proposal: Alterations to the rear raised decking to allow access to the back door as per building regulations.	
<b>Delegated Decision</b>	
Application Number: 24/0550/TPO	Delegation Briefing:
Decision Type: Refuse Planning Permission	Date: 26/06/2024
Location Address: 27 Russell Walk Digby Exeter EX2 7TN	
Proposal: T1- Oak Tree- Option 1- 20% crown reduction across the tree and a crown lift.T1- Oak Tree- Option 2- The client wanted more off the tree and has asked us to put in a request for a 33% reduction and a crown lift.	
<b>Delegated Decision</b>	
Application Number: 24/0588/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 18/07/2024
Location Address: 62 Quarry Lane Exeter EX2 5PR	
Proposal: Conversion of existing integral garage into habitable space.	
<b>Delegated Decision</b>	
Application Number: 24/0622/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 09/07/2024
Location Address: 33 Broadfields Road Exeter EX2 5RF	
Proposal: Single storey rear extension extending 4m from the original house with an eaves height of 2.1m and a total height of 3.45m, constructed in materials to match the existing	

## St Thomas

### Delegated Decision

Application Number: 24/0135/FUL                      Delegation Briefing: 02/05/2024  
Decision Type: Permitted                      Date: 02/07/2024  
Location Address: 25 Cowick Street Exeter EX4 1AL  
Proposal: Change of use of first floor office to residential and replacement windows

### Delegated Decision

Application Number: 24/0279/FUL                      Delegation Briefing: 14/03/2024  
Decision Type: Permitted                      Date: 17/06/2024  
Location Address: 22 Kerswill Road Exeter EX4 1NY  
Proposal: Single storey rear extension to replace existing conservatory.

### Delegated Decision

Application Number: 24/0323/PDCD                      Delegation Briefing:  
Decision Type: Prior Approval Required and Refused                      Date: 31/05/2024  
Location Address: 32 Okehampton Street Exeter EX4 1DY  
Proposal: Change of use of building to 5 self-contained flats (Prior Approval application using Class MA in Schedule 2, Part 3 of England's General Permitted Development Order 2015)

### Delegated Decision

Application Number: 24/0405/VOC                      Delegation Briefing: 23/05/2024  
Decision Type: Permitted                      Date: 28/06/2024  
Location Address: Garages Cecil Road Exeter  
Proposal: Variation of condition two of 23/0249/FUL (Conversion of four garages and store into a dwelling and associated alterations)for revised drawings

### Delegated Decision

Application Number: 24/0417/FUL                      Delegation Briefing: 02/05/2024  
Decision Type: Permitted                      Date: 21/06/2024  
Location Address: 167 Okehampton Road Exeter EX4 1ES  
Proposal: Garden room on rear elevation

### Delegated Decision

Application Number: 24/0461/FUL                      Delegation Briefing: 16/05/2024  
Decision Type: Permitted                      Date: 01/07/2024  
Location Address: 40 Alphington Road Exeter EX2 8HS  
Proposal: Residential annex in rear garden.

**Delegated Decision**

Application Number: 24/0462/LBC                      Delegation Briefing: 16/05/2024  
Decision Type: Permitted                                      Date: 01/07/2024  
Location Address: 40 Alphington Road Exeter EX2 8HS  
Proposal: Residential annex in rear garden.

**Delegated Decision**

Application Number: 24/0463/PD                      Delegation Briefing:  
Decision Type: Prior Approval Not Required                      Date: 11/06/2024  
Location Address: 62 Buddle Lane Exeter EX4 1JJ  
Proposal: Single storey rear extension measuring 4.45m deep, maximum height 3.3m and height of eaves 2.7m.

**Delegated Decision**

Application Number: 24/0508/CAT                      Delegation Briefing:  
Decision Type: Permitted                                      Date: 12/06/2024  
Location Address: 4 Lawrence Avenue Exeter EX4 1BW  
Proposal: 4 x Silver Birch - Reduce the height of the 3 larger trees by 3m. This will be achieved by drop crouching, shortening branches by pruning off the end back to a lateral branch which is at least 1/3 of the diameter of the removed branch. To reduce the overhang from the property back to boundary line. 1 x Rowan - Sever Ivy to create a 1m section of Ivy. 1 x Horse Chestnut - Crown reduce overall by 1m to suitable growth points while retaining the main framework & shape of the crown & therefore a high proportion of the foliage bearing structure. 3 x Ash trees - Crown lift all these trees to the agreed points whilst quoting. This includes removing the lowest 2 limbs on each tree back to the main stem. All works carried out to BS 39982010 Tree Works Recommendations. All arising material shall be removed from site and returned to our premises for recycling. Justification 4 x Silver Birch - Reduce the height of the 3 larger trees by 3m. That a cyclic pruning regime is initiated to increase the longevity of the tree, especially with the close proximity with the dwelling. 1 x Rowan - Sever Ivy - These works are to be carried out in order to assess the health of the tree. These works will also help to reduce the wind sail of this tree. 1 x Horse Chestnut - Crown reduce. These works are being carried out to keep the tree at a more manageable height. 3 x Ash trees - Crown lift all three Ash trees in the rear garden 4 Lawrence Avenue, St Thomas, Exeter, EX4 1BW. - Crown lift secondary & tertiary branch growth only up to approximately x5 metres from ground level to achieve the desired vertical clearance above the garden sheds. This includes removing only the lowest 2 limbs on each tree back to the main stem. These 6 limbs in total once removed will create the desired vertical clearance.

<b>Delegated Decision</b>	
Application Number:	24/0523/FUL
Decision Type:	Permitted
Location Address:	6 Essex Close Exeter EX4 1LS
Proposal:	Demolition of existing conservatory and construction of single storey rear extension.

<b>Delegated Decision</b>	
Application Number:	24/0560/FUL
Decision Type:	Permitted
Location Address:	48 - 52 Alphington Road Exeter EX2 8HS
Proposal:	Proposal to form a new reception entrance by altering a window to an entrance door, proposed steps and handrails

<b>Delegated Decision</b>	
Application Number:	24/0602/TPO
Decision Type:	Permitted
Location Address:	Barley Lane School Barley Lane Exeter EX4 1TA
Proposal:	G1 - Mixed species trees on fence line Crown lift to achieve a 0.5m clearance from the palisade fence to facilitate maintenance and security G2 - x11 Sycamore stems - average DBH 200mm Dismantle fell close to ground level to clear palisade fence and allow future maintenance and avoid damage to fence. T1 - x1 Ash - approx DBH 250mm Dismantle, fell close to ground level - tree is in decline with early signs of Ash dieback and basal decay. Tree leans over the palisade fence towards the schools walkway to playing field. T2 1 x1 Beech - approx DBH 250mm Monolith to 5m - tree is situated behind T1 and has extensive squirrel damage at major unions - Monolith to remove risk of failure on fence. All pruning cuts to be made at suitable growth points. All works carried out to BS 3998:2010 Tree Works Recommendation Remove all cut material from site & return to a Teign Trees depot for recycling, leaving the area safe, clean & tidy.

## Topsham

<b>Delegated Decision</b>	
Application Number:	23/1237/RES
Decision Type:	Permitted
Location Address:	Land Known As Seabrook Orchards Phase 3 And Seabrook Square (Formerly Land To North Of Topsham Town AFC Ground) Topsham Road Exeter EX3
Proposal:	Reserved Matters Application (Pursuant to the Outline Planning Permission Ref. 11/1291/OUT) for the approval of the layout, scale, appearance of buildings, means of access to buildings and landscaping for Phase 3 (188 homes including affordable housing and associated infrastructure) and Seabrook Square (13 affordable apartments, a flexible community building, parking and landscape and play area).

<b>Delegated Decision</b>	
Application Number: 23/1564/FUL	Delegation Briefing: 11/01/2024
Decision Type: Refuse Planning Permission	Date: 20/06/2024
Location Address: Land At Glasshouse Lane Glasshouse Lane Countess Wear Exeter EX2 7BZ	
Proposal: Construction of 1 no. new dwellinghouse (C3 Use Class) with garage, access, landscaping and associated works.	
<b>Committee Decision</b>	
Application Number: 24/0063/FUL	Delegation Briefing: 25/01/2024
Decision Type: Permitted	Date: 30/05/2024
Location Address: 70 Admiral Way Exeter EX2 7GT	
Proposal: Solar panels on roof of dwelling and garage	
<b>Delegated Decision</b>	
Application Number: 24/0209/PDCD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 11/06/2024
Location Address: First Floor 76 Fore Street Topsham EX3 0HQ	
Proposal: Prior approval application for change of use from commercial office (Use Class E) to 1 bed dwelling flat (C3 Use Class).	
<b>Delegated Decision</b>	
Application Number: 24/0317/RES	Delegation Briefing: 11/04/2024
Decision Type: Permitted	Date: 27/06/2024
Location Address: Land South West Of Blakeslee Drive Exeter	
Proposal: Approval of access, layout, scale, appearance and landscaping reserved matters pursuant to planning permission ref. 23/0584/OUT and additional details including lighting, drainage and bat/bird boxes	
<b>Delegated Decision</b>	
Application Number: 24/0334/FUL	Delegation Briefing: 11/04/2024
Decision Type: Refuse Planning Permission	Date: 31/05/2024
Location Address: 10 Mountbatten Drive Exeter EX2 7GQ	
Proposal: Replace two existing rear Juliet balconies to the first floor with two new balconies with glass balustrading.	
<b>Delegated Decision</b>	
Application Number: 24/0421/FUL	Delegation Briefing: 02/05/2024
Decision Type: Permitted	Date: 12/06/2024
Location Address: 7 Lower Shapter Street Topsham EX3 0AT	
Proposal: Replacement garage.	

<b>Delegated Decision</b>			
Application Number:	24/0422/LBC	Delegation Briefing:	02/05/2024
Decision Type:	Permitted	Date:	12/06/2024
Location Address:	7 Lower Shapter Street Topsham EX3 0AT		
Proposal:	Replacement garage.		
<b>Delegated Decision</b>			
Application Number:	24/0444/FUL	Delegation Briefing:	25/04/2024
Decision Type:	Refuse Planning Permission	Date:	18/06/2024
Location Address:	36 Gordon Road Topsham EX3 0LJ		
Proposal:	Detached flat roof single story annexe.		
<b>Delegated Decision</b>			
Application Number:	24/0451/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	10/06/2024
Location Address:	36 Gordon Road Topsham EX3 0LJ		
Proposal:	Roof conversion including hipt to gable conversion.		
<b>Delegated Decision</b>			
Application Number:	24/0452/FUL	Delegation Briefing:	09/05/2024
Decision Type:	Permitted	Date:	17/06/2024
Location Address:	15 Station Road Topsham EX3 0DS		
Proposal:	Single storey side extension and removal of tree		
<b>Delegated Decision</b>			
Application Number:	24/0465/FUL	Delegation Briefing:	16/05/2024
Decision Type:	Permitted	Date:	03/07/2024
Location Address:	15 Hardy Close Exeter EX2 7GE		
Proposal:	Garage conversion.		
<b>Delegated Decision</b>			
Application Number:	24/0493/FUL	Delegation Briefing:	23/05/2024
Decision Type:	Permitted	Date:	15/07/2024
Location Address:	12 White Street Topsham EX3 0AA		
Proposal:	Replace existing conservatory with single storey rear extension, existing roof tiles with natural slate, existing windows with timber framed windows, dormer roof finish with single ply membrane and vertical natural slate.		

**Delegated Decision**

Application Number: 24/0569/FUL Delegation Briefing: 06/06/2024

Decision Type: Refuse Planning Permission Date: 12/07/2024

Location Address: 5 Lower Shapter Street Topsham EX3 0AT

Proposal: Demolition of existing low front boundary wall, convert the front area to cobbling for off street parking and the installation of an electric car charging point

**Delegated Decision**

Application Number: 24/0570/LBC Delegation Briefing: 06/06/2024

Decision Type: Refuse Planning Permission Date: 12/07/2024

Location Address: 5 Lower Shapter Street Topsham EX3 0AT

Proposal: Demolition of existing low front boundary wall, convert the front area to cobbling for off street parking and the installation of an electric car charging point.

**Total Applications: 147**

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**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 29<sup>th</sup> July, 2024  
**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 (29/05/2024).

## 2. Recommendation:

2.1 Members are asked to note the report.

## 3. Appeal Decisions

3.1 [23/0280/PDCD](#) **Garage-Workshop, Adjacent Pocombe Orchard, Tedburn Road, St Thomas.** *Prior approval for the conversion of the existing workshop (B1/8 use) to a one bed one person dwelling.*  
**Planning Inspectorate decision issued:** 20<sup>th</sup> February, 2024.

### **Appeals Dismissed.**

A prior approval under Class MA of the General Permitted Development Order, for change of use from an existing workshop (B1/8 use) to a one bed one person dwelling, at Garage-Workshop adjacent Pocombe Orchard, Tedburn Road, has been dismissed.

Class MA sets out a number of requirements, including that the building “*fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval*”. The Council was not satisfied the building had been in continuous B1/8 use. The Inspector agreed the evidence does not go far enough to demonstrate this was a continued use of the building for a B1 purpose over a 2-year period, as required by Class MA.

Notwithstanding this, in order to benefit from the prior approval process, the development must not be contrary to any condition on an existing planning permission. The proposed conversion would be contrary to the condition imposed on planning permission 05/1554/03. Condition 4 clearly restricts such development for no other purpose or use than those within Classes B1(c) or B8. The condition adds more by requiring formal written consent of the local planning authority for the use for any other purpose. The natural and ordinary meaning of these words is unequivocal and precise. Consequently, the words in the condition clearly demonstrate an intention to remove any rights that may be exercised through the General Permitted Development Order.

As the Inspector concluded the proposal is not permitted development, they did not consider the other prior approval matters. This included flood risk, which the Council

also included as a reason for refusal, and received concerns from the Environment Agency during the appeal process.

For the Decision Notice, see:

**[Reference: APP/Y1110/W/23/3332294 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

- 3.2 **[22/1122/FUL](#) & [22/1123/LBC](#) **25 Monmouth Street, Topsham.** *Installation of six black PV solar panels on rear roof slope.***

**Planning Inspectorate decision issued:** 16<sup>th</sup> May, 2024.

#### **Appeals (x 2) Dismissed.**

The Inspector assessed that the main issues with this application was whether the proposal would preserve the Grade 2 Listed Building and any features of architectural and/or historic interest. In addition the proposal must be assessed against the need to preserve or enhance the character and appearance of the Topsham Conservation Area.

The Inspector felt that there was a potential for the loss of in-situ historic fabric. Any replacement slates would potentially be from a different quarry with the resulting difference in colour and patina, which would be an obvious change to the characteristics of the roof slope. It was further felt there was a risk of potential harm to the historic fabric of the roof and building caused by the installation of ancillary equipment and wiring. The panels would also cover a large part of the roof which would erode the authenticity of the roof slope.

The appeal was dismissed as the Inspector felt that the proposals would fail to preserve the special interest of the Grade 2 listed dwelling and the wider significance of the Topsham Conservation Area, therefore being contrary to both Local and National Policies on preserving Listed Buildings and Conservation Areas.

For the Decision Notice, see:

**[Reference: APP/Y1110/W/23/3319354 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

**[Reference: APP/Y1110/Y/23/3319355 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

- 3.3 **[22/0756/FUL](#) **Newbery Car Breakers, Redhills.** *Proposed development of six detached, 5-bedroom, residential dwellings and associated access and landscaping.***

**Planning Inspectorate decision issued:** 3<sup>rd</sup> June, 2024.

#### **Appeal (& Costs) Dismissed.**

The application was appealed due to non-determination. The appeal was lodged following Planning Committee on 24 April 2023, where, following an Officer recommendation for approval, Members were minded to refuse on highway safety grounds and sustainability and it was resolved to defer the application to allow refusal reasons to be reported at the next meeting.

Following the submission of the appeal the application was taken to Committee on 12 June 2023 and the Council's formal position on the application was confirmed by members to be that the application:

- (a) fail to provide pedestrians safe access to and from the site; and,
- (b) fail to provide cyclists safe access to and from the site; and,
- (c) fail to promote sustainable modes of transport, resulting in car-dependent development resulting in an unacceptable risk of conflict between road users, which would harm highway safety.

The application was therefore contrary to paragraphs 110 and 111 of the National Planning Policy Framework (2021), the National Design Guide, Objectives 1, 3 and 5 and Policies CP9 and CP17 of the Exeter Local Development Framework Core Strategy, Policies AP1, H2, T1, T3. DG1 of the Exeter Local Plan First Review 1995-2011, the Sustainable Transport Supplementary Planning Document and the Residential Design Guide Supplementary Planning Document

As the Council had confirmed its position on the scheme the Inspector confirmed that the main issue was whether the site is a sustainable location having regard to the access to sustainable transport and highway safety.

The Inspector visited the site and noted that the road is somewhat narrow and whilst there is sufficient space for vehicles to pass, there is no central dividing line and that the banks on either side of the road are steep with no grass road. They noted that there was not sufficient space for a vehicle to manoeuvre around a pedestrian without going into oncoming traffic, nor the ability for pedestrians to step out of the road. The Highway Authority raised no objection to the scheme, however the Inspector considered that the use of this section of road would give rise to pedestrian conflicts, particularly when it is dark.

In relation to sustainable transport it was agreed that there are bus services and shops within a reasonably accessible distance. However, the Inspector considered that the absence of a pavement would prevent an unattractive alternative to using a private motor vehicle.

The Inspector noted that Redhills is part of the National Cycle Network and therefore safe cycling movements is acceptable, especially as cycling along Redhills would not pose the same level of danger as pedestrians. However, cycling alone would not provide sufficient alternative to private motor vehicle use.

Consideration was given to the Outline planning permission immediately to the north of the site, which will see a footway provided along this stretch of Redhills. However, at the time of assessment no Reserved Matters had been submitted and there is no guarantee that a footway will be delivered. Therefore the Inspector only applied limited weight to this matter.

Previous applications on the site were considered by the Inspector, including a lapsed Outline consent for six dwellings. Whilst the Highway Authority raised no objection to this Outline proposal the Inspector noted that they had already disagreed with their view on highway safety in this appeal and therefore were not persuaded that their previous response would alter their view.

The Inspector confirmed that the Council is now subject to a 4-year housing land supply and that this is currently being met and therefore the presumption in favour of sustainable development set out in NPPF paragraph 11 does not apply. The housing contribution was therefore given moderate weight, however this did not outweigh the adverse impacts of the scheme.

The Inspector concluded that the appeal site is an unsuitable location for new residential development in relation to access to sustainable modes of transport and highway safety. The proposal was considered to create conflict with Objectives 1, 3 and 5 and policies CP9 and CP17 of the Core Strategy and saved policies AP1, H2, T1, T3 and DG1 of the Local Plan. The proposal would also fail to accord with guidance within the Sustainable Transport SPD and the Residential Design Guide SPD.

The Inspector therefore dismissed the appeal for the reasons stated above.

### **Costs**

An application for costs was also submitted but was refused by the Inspector.

The applicant alleged that the Council did not their Scheme of Delegation and the application should have been determined under delegated powers.

The Inspector stated that generally these actions are matters for local government accountability. However, the Inspector still considered the costs claim, noting the follow:

- The Scheme of Delegation does not require an application for consideration at Delegation Briefing to be in writing and this was not disproven in the submitted evidence.
- The Council confirmed that a Member who is both a Ward Member and a Member of the Planning Committee made a request for the application to be considered at Delegation Briefing. It was then considered that due to local concerns the application should be determined by Planning Committee.
- No unreasonable behaviour occurred on the part of the Council or unnecessary or wasted expense.

For the Decision Notice, see:

**[Reference: APP/Y1110/W/23/3322198 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

- 3.4 **23/1303/FUL** 50 Langaton Lane, Pinhoe, *First floor side extension. Above existing single storey extension to form additional bedroom accommodation. Re-submission of 23/0799/FUL.*

**Planning Inspectorate decision issued:** 19<sup>th</sup> June, 2024.

**Appeal Dismissed.**

The appeal property is a twentieth century semi-detached dwelling, on the corner with Ash Farm Close with the first floor accommodated in the roof space with dormers to the front and rear.

The proposal was for a first floor side extension above the existing ground floor. The proposal would provide an additional two bedrooms and an en-suite and be served by dormers front and back. It was to be 3.3 metres in width, which is more than half the width of the main house, 7.4 metres deep and flush with the front wall of the main house

The application was refused on the grounds that, as a consequence of its siting, scale, massing and design, in that:

- The extension would not be set back from the front elevation of the main dwelling
- The extension would be more than half the width of the main dwelling
- it would appear bulky and disproportionate and not appear as a subservient addition, thereby having a negative impact on the character, and appearance of the host dwelling and the street scene.

The Inspector highlighted the main issues to be the effect of the proposal on the character and appearance of the existing property and on the street scene.

The Inspector concluded that the proposal would lack a degree of subservience as the form of the proposals to the front elevation would result in a further elongation of the building form of the appeal property as it is perceived collectively with the neighbouring property to the east. It would result in an overly dominant building form that would appear at odds with the appeal property's existing characteristics and the immediate surroundings as a result. This would conflict with Policy CP17 of the Core Strategy and Policies DG1 and DG4 of the LP First Review.

For the Decision Notice, see:

**[Reference: APP/Y1110/D/24/3341219 \(planninginspectorate.gov.uk\)](#)**

- 3.5 **23/1065/FUL** **6 Gladstone Road, St Leonards.** *Change of use from flat and maisonette (Use Class C3) to ground floor flat (Use Class C3) and one small HMO (Use Class C4) on first and second floors*

**Planning Inspectorate decision issued:** 28<sup>th</sup> June, 2024.

**Appeal Dismissed.**

< *PLANNING OFFICER'S SUMMARY TO FOLLOW* >

For the Decision Notice, see:

**[Reference: APP/Y1110/W/23/3333038 \(planninginspectorate.gov.uk\)](#)**

- 3.6 **22/1376/FUL** **Land Adjacent to Kinnerton Court, Exwick.** *Construction of three-storey building containing 3no. apartments with associated access, parking and landscaping.*

**Planning Inspectorate decision issued:** 10<sup>th</sup> July, 2024.

**Appeal Dismissed.**

This proposal consisted of a three-storey block on grassed land adjacent to Kinnerton Court, at the junction between Kinnerton Way and Howard Close. The Council had refused consent on numerous grounds - including the loss of open space on the corner of the junction and additional parking at the front of the building harming the overall character and quality of the local townscape, poor quantity and quality of external amenity for existing and future occupiers of the building and, overall, the scheme representing an overdevelopment of the site.

The Inspector did not accept the Council's view that the additional parking at the front of the site would make any significant difference to the townscape given the existing parking that already existed at Kinnerton Court. Similarly, it was not felt that existing or future residents would be harmed by the amount of external space that would be available once the development had been built.

However, the Inspector did agree with the Council that the proposal would "significantly erode the open layout qualities of the entrance to the cul-de-sac. As such, the density of development would not be compatible with the character and quality of the local environment" (Paragraph 7). The Inspector considered that design details, such as the building projecting forward of Kinnerton Court, amplified that harmful effect. For that reason, the appeal was dismissed.

For the record, another appeal for development on this site was dismissed on similar grounds in 2005 (Ref. 04/1596/FUL). The Council drew attention to this decision in its report on this scheme.

For the Decision Notice, see:

**[Reference: APP/Y1110/W/24/3339350 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

- 3.7 **[22/1598/FUL](#) Dreamland Stables, Church Hill, Pinhoe.** *Conversion of stables to dwelling and associated works including landscaping and parking.*

**Planning Inspectorate decision issued:** 10<sup>th</sup> July, 2024.

**Appeal Dismissed.**

< PLANNING OFFICER'S SUMMARY TO FOLLOW >

For the Decision Notice, see:

**[Reference: APP/Y1110/W/23/3331163 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

- 3.8 **[22/1610/FUL](#) Land at Corner of Church Hill and Church Lane, Pinhoe.** *Construction of detached single dwelling house with garage, access, landscaping and associated works.*

**Planning Inspectorate decision issued:** 10<sup>th</sup> July, 2024.

## Appeal Dismissed.

< PLANNING OFFICER'S SUMMARY TO FOLLOW >

For the Decision Notice, see:

**[Reference: APP/Y1110/W/24/3340520 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

- 3.9 **23/1206/FUL** 41 Park Lane, Pinhoe. *RETROSPECTIVE. Flat roof garage with English Cedar cladding.*

**Planning Inspectorate decision issued:** 12<sup>th</sup> July, 2024.

## Appeal Allowed with Conditions.

< PLANNING OFFICER'S SUMMARY TO FOLLOW >

For the Decision Notice, see:

**[Reference: APP/Y1110/D/24/3340186 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

## 4. New Appeals

- 4.1 **24/0248/FUL** 11 Woodland Road, Pinhoe. *New roof to garage with increase in ridge height and pitch.* **Start Date:** 22<sup>nd</sup> May, 2024.

For case details, see:

**[Reference: APP/Y1110/D/24/3343761 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

- 4.2 **23/1245/PMI** 14 Sylvan Road, Pennsylvania. *Permission in principle application for demolition of existing garage and construction of 1no. detached dwelling (C3 Use Class) with associated works.* **Start Date:** 3<sup>rd</sup> June, 2024.

For case details, see:

**[Reference: APP/Y1110/W/24/3344015 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

- 4.3 **23/0914/FUL** 1 Higher Riverdale, Exe Street, Topsham. *Conversion and remodelling of storage building to create 2 bed dwelling house with parking, external amenity space including roof terrace and associated works (C3 Use Class).* **Start Date:** 4<sup>th</sup> June, 2024.

For case details, see:

**[Reference: APP/Y1110/W/24/3341923 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

- 4.4 **23/0547/FUL** Upper Rooms, 1 Polsloe Road, Pennsylvania. *Replace wood windows with UPVC windows.* **Start Date:** 13<sup>th</sup> June, 2024.

For case details, see:

**[Reference: APP/Y1110/W/23/3332625 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

- 4.5 **[23/0652/FUL](#)** 70 Pennsylvania Road, St James's. *Two storey building containing purpose-built student accommodation comprising 6 bedrooms.* **Start Date:** 25<sup>th</sup> June, 2024.

For case details, see:

**[Reference: APP/Y1110/W/24/3344914 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

- 4.6 **[23/1159/FUL](#)** 57 Whiteway Drive, Heavitree. *Hip to gable and rear dormer roof extensions (Retrospective Application).* **Start Date:** 16<sup>th</sup> July, 2024.

For case details, see:

**[Reference: APP/Y1110/D/24/3345324 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

- 4.7 **[23/0589/FUL](#)** Fernleigh Nurseries, Ludwell Lane, St Loyes. *Conversion of existing nursery buildings/garage to single dwelling.* **Start Date:** 17<sup>th</sup> July, 2024.

For case details, see:

**[Reference: APP/Y1110/W/24/3337298 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

- 4.8 **[23/0691/FUL](#)** 1 Nicholas Road, Heavitree. *Construction of rear dormer and hip to gable roof extension (Retrospective Application).* **Start Date:** 19<sup>th</sup> July, 2024

For case details, see:

**[Reference: APP/Y1110/D/24/3345794 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk)**

Ian Collinson  
**Director of City Development**

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