

# Planning Committee Report 25/0957/OUT

## 1.0 Application information

Number:	25/0957/OUT
Applicant Name:	Waddeton Park Limited
Proposal:	Outline planning permission (with all matters reserved apart from access) for the phased development of up to 65 residential dwellings, two access points from Nadder Park Road, public open space and associated infrastructure (including land for biodiversity enhancements).
Site Address:	Land At Barley Lane Barley Lane Exeter
Registration Date:	17 July 2025
Link to Application:	<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>
Case Officer:	Christopher Cummings
Ward Member(s):	Cllr Darling, Cllr Fullam, Cllr Wright

### REASON APPLICATION IS GOING TO COMMITTEE:

The Head of 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

REFUSE permission subject to reasons as set out in the report

## 3.0 Reason for the recommendation:

The site is within a Landscape Setting Area and Alphington/Whitestone Valley Park. Whilst appeals have confirmed that policies do not completely prevent development in these areas, they are sensitive areas and proposals must be given careful consideration of the harm generated and the proposed uses.

In this case the proposed development would unacceptably erode the green edge of the city and see the loss of Valley Park land to urban expansion. Whilst the submitted LVIA and associated documents seek to demonstrate that there will be limited harm, it is clear that the proposed development will be visible in a number of key views and that the green ridge that defines the landscape setting of the city will be unacceptably harmed, alongside the significant loss of green space that forms part of the Valley Park. The proposal is therefore contrary to LP saved policy LS1, CS policies CP16

and CP17, emerging Exeter Plan policies NE1 and NE2, and NPPF paragraphs 135(c).

In addition, Devon County Council as the Lead Local Flood Authority (LLFA) has raised an objection due to lack of information relating to the sustainable urban drainage system. Considering the in-principle objection to the scheme demonstrated by this report it is concluded that delaying the decision making to resolve this aspect would add unnecessary time as it would not resolve the in-principle matter. The proposal is therefore contrary to Core Strategy policy CP12 and Local Plan saved policies EN3 and EN4.

The Council does not currently have a 5-year housing supply and therefore the tilted balance in favour of sustainable development is in effect. However, the harm to the Landscape Setting Area and to Alphington/Whitestone Valley Park is considered to be demonstrable and significant due to the raised position of the site, and the overall harm generated by the proposal is considered to outweigh the benefits. The scheme therefore fails to accord with national and local policy and guidance and is recommended for refusal.

#### 4.0 Table of key planning issues

Issue	Conclusion
Environmental Impact Assessment	The proposal does not meet the criteria for Schedule 1 or Schedule 2 development under the Environmental Impact Assessment Regulations. The site is not within a 'sensitive area' as defined by the Regulations. An Environmental Statement is therefore not required for this application.
The Principle of the Proposed Development	The site is within the Landscape Setting Area and Alphington/Whitestone Valley Park. The Development Plan policies do not have a blanket refusal for development within these areas, with each site assessed on its own merits.  The 2007 Exeter Fringes Landscape Sensitivity and Capacity Study noted High Landscape Sensitivity, with the site in a prominent ridge location with the wooded skyline of importance as well as the pastures below. The 2022 Landscape Sensitivity Assessment

Issue	Conclusion
	<p>noted the prominent skyline and visibility of the site from the east.</p> <p>The site was considered in Housing and Economic Land Availability Assessments (HELAA) in 2022 and 2023 and both found the site unsuitable for development due to the setting and Valley Park constraints</p> <p>The proposal does not respond to the three-dimensional shape of the landscape, with almost entirely two-storey dwellings that would step up from Nadder Park Road and screen the thin fringe of fields and tree-lined horizon that characterises the city edge. Whilst submitted documents claim the existing trees will screen the site, the raised ground level and fact that the trees are deciduous mean that it will be visible, especially in late-autumn, winter and early-spring.</p> <p>The submitted Landscape and Visual Impact Assessment (and additional detail) conclusions differ from the Council's visits to viewpoints. The site is in a clearly visible location within the Valley Park, from surrounding areas such as St Thomas Railway Station, Exe Bridges, Colleton Crescent and Cowick Barton Recreation Ground, as well as longer views from Ludwell Valley Park and Rougemont Castle. It is considered that given the prominent position longer view assessments are required, but the applicant's specialist disputed the need for this.</p> <p>Queries were raised about the scale of ground reprofiling needed. The applicant advised that the changes would not be 'material' and that similar changes are commonplace within</p>

Issue	Conclusion
	<p data-bbox="824 239 1382 457">developments on the edge of Exeter. Considering the prominent visible location of this site, re-profiling could create additional significant harm. Further information is therefore required on this matter.</p> <p data-bbox="824 506 1382 758">The site abuts Exeter Green Circle walking route, a green asset. Whilst there will be a level of screening through planting of the site it will still clearly be an urban development on either side of the Circle route, diminishing the function of the Circle.</p> <p data-bbox="824 806 1382 1352">Whilst there have been a number of applications, decisions and appeals in Landscape Setting Areas, this particular site is also within a Valley Park. The outcome of these other applications has been mixed, depending on the specific site issues and the same must apply to this application. It is relevant to note that refusals and dismissed appeals primarily relate to where there was intrusion above the clearly defined limits of the city and the natural boundary, a situation similar to this proposal.</p> <p data-bbox="824 1400 1382 1871">The proposed development would unacceptably erode the green edge of the city and see the loss of Valley Park land to urban expansion. Whilst the submitted LVIA and associated documents seek to demonstrate that there will be limited harm, it is clear that development will be visible and that the green ridge that defines the landscape setting of the city will be unacceptably harmed, alongside the significant loss of green space that forms part of the Valley Park.</p>

Issue	Conclusion
	<p>The proposal is therefore contrary to LP saved policies LS1 and L1, CS policies CP16 and CP17, emerging Exeter Plan policies NE1 and NE2 and NPPF paragraphs 135(c).</p>
Quantum of Development	<p>The proposal is for a maximum of 65 dwellings, creating a level of 39 dwellings per hectare. Policy seeks the highest feasible density in response to the site constraints. In this instance the edge of city location would require a lower density than a more central location and the proposed quantum of development is acceptable. Objections referenced future development on a neighbouring site. This assessment is solely on the submitted area shown on the site location plan. Any further development in the area will be subject to separate planning application and assessment.</p>
Design Considerations	<p>The majority of design and layout considerations will form part of the reserved matters submission if this outline application is approved</p> <p>The height of buildings has been discussed in the 'Principle' section of this report.</p>
Access and Highway Matters	<p>A Transport Assessment (TA) was submitted with the application and was found to need additional detail. A revised version was submitted and the Highway Authority (HA) raised no objections to the proposal, subject to conditions and planning obligations. The TA confirmed an increase of 31 AM peak movements and 30 PM peak movements and that nearby school drop-off/pick-up times would sit outside of the peak hours. It was not considered to create an unacceptable highway risk by the HA.</p>

Issue	Conclusion
	<p>Personal Injury Collision data was submitted covering the last 5 years and this did not demonstrate clusters of accidents or concentrations of collisions or injuries that suggest an existing safety issue that would be exacerbated by this proposal.</p> <p>The site is served by existing footpaths and is close to bus stops. It is also close to identified walking and cycling routes through the city. The HA requested a planning obligation of £700 per dwelling for improvements to these routes to encourage sustainable transport measures.</p> <p>Two access points are proposed, both onto Nadder Park Road. The HA raised no objection to the design or positioning of these; however, it was noted that the roads may not be adoptable due to their steep nature. An existing agricultural access point would be closed as part of this scheme, which could be secured via condition.</p> <p>The majority of surrounding dwellings have off-street parking and garages and a level of on-street parking would remain. The HA did not raise any concerns over this matter, subject to securing a £10,000 planning obligation to cover any Traffic Regulation Order costs for changes to the public highway.</p> <p>A Travel Plan would need to be secured via condition, alongside a Construction Management Plan to limit impacts during the construction phase.</p>
Amenity Impacts	Layout and design are reserved matters and will be dealt with through reserved matters applications,

Issue	Conclusion
	<p>including aspects such as overlooking, loss of light and size of dwellings.</p> <p>There will be level of amenity impact due to the additional vehicle movements. However, considering the relatively low-level of trip generation identified in the TA this is not considered to generate any significant impacts.</p> <p>There would be a level of impact during construction and a condition for a Construction Environment Management Plan is recommended if the application is approved.</p>
Air Quality	<p>The site is not within an Air Quality Monitoring Area and the submitted Air Quality Impact Assessment did not identify any significant impacts. The Council's Environmental Health team raised no objections.</p>
Contamination	<p>The submitted Contamination Report recommended further intrusive investigation in specific areas. This was supported by the Council's Environmental Health team via a condition for investigation and remediation/reporting, as necessary.</p>
Unexploded Ordnance	<p>The Council's mapping data shows that the site was subject to WW2 bombing. It is therefore appropriate to require a pre-commencement condition for an unexploded ordnance survey to be undertaken should the application be approved.</p>
Ecology and Biodiversity	<p>Whilst the initial surveys were undertaken in 2022, walkover surveys were carried out in 2025. The Council's ecologist noted that whilst updated surveys would have been preferred the submitted surveys met industry best practice and are sufficient for the site and the context. Updated ecological</p>

Issue	Conclusion
	<p>assessments would be required to be submitted at reserved matters stage, secured via condition.</p> <p>The Council's ecologist required hedgerow to be buffered alongside connectivity upgrades, species protection/translocation and defensive planting for dormice. These matters would be addressed at reserved matters stage as part of the wider site layout and landscaping.</p> <p>It is noted that there is the potential risk for recreational impacts to Alphington/Whitestone Valley Park and no evidence has been submitted to counter this. However, there is no mitigation measure set out in the Development Plan or supplementary planning documents, and no planning obligation was requested by the Council's Public and Green Spaces team or by Devon Wildlife Trust (who manage Barley Valley Local Nature Reserve within the Valley Park).</p> <p>Conditions are recommended for any approval for a Construction Environmental Management Plan, a Landscape and Ecology Management Plan and lighting scheme.</p> <p>The site is subject to the 10% Biodiversity Net Gain and it has been demonstrated that this can be achieved on-site. It was noted that the surveys were undertaken at a 'sub-optimal time of year' and that an updated BNG metric would be required at reserved matters stage.</p> <p>The site is within the Exe Estuary European Site consultation zone and it</p>



Issue	Conclusion
	<p>was found that this would generate recreational impacts. Mitigation is secured from CIL for market dwellings and secured via s106 contribution for any Affordable Housing units.</p> <p>There is Ancient Woodland to the east of the site. This is within 500m but is separated by other fields. It is considered that a suitable buffer exists and the topography of the land would create no significant harm to this area.</p>
Heritage	<p>There are no listed buildings in the immediate vicinity of the site and it is not within a Conservation Area. The site is not within an Area of Archaeological Importance, however due to the undeveloped nature of the land there is a chance of archaeological remains.</p> <p>A Heritage Impact Assessment was submitted with the proposal that noted trial trenching found remains, most likely a small Roman farmstead. In light of this, a condition for a Written Scheme of Investigation is recommended if the application is approved.</p>
Energy	<p>There is not currently a Decentralised Energy Network in the surrounding area, however it is appropriate to place a condition requiring connection if one comes forward if the application is approved.</p> <p>A Waste Audit Statement was submitted and an updated version will be required, via condition, prior to commencement on site, if the application is approved.</p>
Green Space and Play	<p>The development would need to provide 10% of the site as public open space as well as LAP/LEAP play</p>

Issue	Conclusion
	<p>facilities and a contribution towards off-site youth facilities/MUGA for older children. These measures could be secured through a S106 agreement.</p>
Drainage	<p>The Lead Local Flood Authority (LLFA) raised an objection as insufficient information has been provided.</p> <p>It is acknowledged this matter is resolvable, however this would not resolve the in-principle location-based objection to this scheme. It is not considered appropriate to delay the determination of this application further, as it will not resolve the fundamental issues with the proposal.</p> <p>The drainage is therefore contrary to CS policy CP12 and LP saved policies EN3 and EN4 as it cannot be confirmed that an acceptable sustainable urban drainage system can be provided for the site, the application fails to demonstrate there will not be an increased risk of flooding and fails to demonstrate there will be no harm to water quality.</p>
Affordable Housing and Planning Obligations	<p>It is proposed to provide 35% Affordable Housing on-site, in accordance with policy requirements. The housing mix of this would be secured at reserved matters based on the latest need assessments.</p> <p>Other planning obligations, including financial contributions, would need to be secured in a s106 legal agreement, if the application is approved.</p>
Planning Balance	<p>The Council cannot currently demonstrate a 5-year housing supply and the tilted balance in favour of sustainable development is therefore in effect. It is considered, however, that there is significant and demonstrable</p>

Issue	Conclusion
	harm to the Landscape Setting of the city and the Valley Park, and therefore the harm outweighs the benefits as set out in paragraph 11(d)(ii) of the NPPF and an unacceptable development is proposed.

## 5.0 Description of site

The application site is a 3.96 hectare set of two fields, located on the western edge of Exeter. The larger field parcel is to the east of Barley Lane and the west of Nadder Park Road. The smaller parcel is to the north-west, separated by Barley Lane. To the north of the site is Exeter Bridle Way (no.36), part of the Green Circle walking route.

The site sits on the edge of Exeter's urban form, with residential dwellings to the east and south-east on Nadder Park Road. To the west is Barley Lane, a single carriageway road leading to the fields, woodland and the rural hinterland.

The ground is sloped, rising westwards and northwards, sitting approximately 2-3 metres above Nadder Park Road.

The site is within the Landscape Setting Area and Alphington/Whitestone Valley Park.

To the north/north-east of the site is Barley Valley Local Nature Reserve, a designated County Wildlife Site. The site is within 500 metres of Ancient Woodland, located to the west.

There is a National Grid cable running through the centre of the site, leading to a pylon to the west.

The site is within an area noted for higher radon levels.

It is noted that WW2 ordnance fell in this area, primarily in the field to the north of Barley Lane, with at least one within this site.

The site is in Flood Zone 1 and there are no above ground heritage assets within the immediate vicinity.

## 6.0 Description of development

Outline planning permission (with all matters reserved apart from access) for the phased development of up to 65 residential dwellings, two access points from Nadder

Park Road, public open space and associated infrastructure (including land for biodiversity enhancements).

The site is split into two fields. The larger field bordered by Barley Lane and Nadder Park Road is proposed for residential development. The smaller field is proposed for biodiversity improvements.

The two proposed access points are onto Nadder Park Road, opposite the junctions with Wheatley Close and Nadder Park Road.

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

Documents submitted at validation stage:

- Covering Letter - SH/WJR/2046 – Dated 15 July 2025
- Arboricultural Impact Assessment - 05898 ALIP 28.02.25 Sheet 1 of 2
- Arboricultural Impact Assessment - 05898 ALIP 28.02.25 Sheet 2 of 2
- Arboricultural Statement – 05898 – Dated 28 February 2025
- Legal Checks – 05898
- Tree Survey – 05898 – Dated March 2023
- Transport Statement – 216408 V1 – Dated 06 March 2025
- Travel Plan – 216408 V1 – Dated 06 March 2025
- Design and Access Statement - 220720 R 01 Rev B – Dated July 2025
- Air Quality Assessment - 25-1079 – Dated August 2025
- Level 2 Flood Risk Assessment & Sustainable Drainage (SUDS) Proposals – 567FRA2 V2 – Dated 21 November 2024
- Heritage Impact Assessment – AN0641 Issue 1 – Dated April 2025
- Statement of Community Involvement – July 2025
- Statutory Biodiversity Net Gain Metric
- Ecological Impact Assessment – SWE 2267 Version 2 – Dated 17 June 2025
- Phase 1 Desk Study and Phase 2a Preliminary Ground Investigation – GCE01111/R1 – Dated February 2023.
- Landscape and Visual Impact Assessment – P23-1715 V3 – Dated 14 May 2025
- Planning Statement – Dated July 2025
- Waste Audit Statement

Documents received 09 October 2025:

- Ecology Response Letter – SWE2267 v2 - dated 02 October 2025
- Transport Assessment – 216408 V2 – dated – 03 October 2025
- Addendum 1 to Level 2 Flood Risk Assessment – 567/FRA2/ADDM1 V1 – 17.09.25

## 8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
21/1019/MP	150 new homes on an undeveloped site of hedgerows and grassland east and west of Barley lane.	Pre-application Advice Given	14.07.2021

## 9.0 List of constraints

- The site is constrained by the sloped topography that raises it above Nadder Park Road.
- It is located within the Landscape Setting Area and Alphington/Whitestone Valley Park. It is also close to the Barley Valley Local Nature Reserve and County Wildlife Site and is within 500 metres of Ancient Woodland.
- There is a National Grid cable running through the centre of the site.
- The site is within an area noted for higher-than-average radon levels.
- Risk of unexploded ordnance, with WW2 ordnance recorded falling within the site.

## 10.0 Consultations

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

**Forestry Commission:** Advised no specific comments to make and provide standing advice.

**Natural England:** Site is within Zone of Influence for recreational impacts on European Sites. Advised that an Appropriate Assessment should be undertaken to assess the impact and appropriate mitigation.

**NHS Devon Integrated Care Board:** Raised no objection subject to a planning obligation for £40,700 towards increase in primary care infrastructure through extension/expansion of Foxhayes Practice, St Thomas Medical Group – Exwick Health Centre and St Thomas Medical Group – St Thomas Health Centre.

**Police Designing Out Crime Officer:** Provided comments and recommendations on indicative layout, boundaries, routes, lighting, parking, play areas, surveillance and security.

**South West Water:** Provided standing advice on water hierarchy and noted that there is a public water main in the vicinity of the development. The submitted plan shows this running to the east and west of the site.

**Teignbridge District Council:** Advised that no objection/no observations to make.

**Wales and West Utilities:** Advised that pipes are located close to the site and that safe digging practices must be undertaken.

**Local Lead Flood Authority (DCC):** Object to proposal as additional information needed. This includes up-to-date SWW confirmation of connections, reassessment of flow controls, recalculation of impermeable areas, FEH mapping, use of above ground surface water storage and groundwater drainage queries

**Local Education Authority (DCC):** Advised that 65 family type dwellings will generate an additional 16.25 primary pupils and 9.75 secondary pupils. When factoring in both approved but unimplemented housing developments as well as outstanding local plan allocations, DCC has forecast that there is enough spare primary and secondary capacity to accommodate the number of pupils expected to be generated from this development.

**Local Highway Authority (DCC):** Originally raised objection to proposal as the Transport Assessment (TA) does not provide sufficient information, including no specific assessment of development traffic and only 3 years of Personal Injury Collisions (PIC). Following submission of revised information, they advised the objection was removed. The submitted traffic impact will not generate unacceptable risk to the highway, there are no clusters of PICs that suggest an existing safety issue and there are suitable footways that can be utilised by future occupants to access bus stops, railway stations and pedestrian movements. The access points have been demonstrated to accommodate large vehicles. It has been noted that there is an existing agricultural access that should be closed off.

The site is close to Local Cycling and Walking Infrastructure routes and a planning obligation of £700 per dwelling was requested towards improvements to these routes, alongside £10,000 for a Traffic Regulation Order to cover changes to the public highway. Conditions were recommended for a Construction Management Plan, Travel Plan and details of highway design and parking. It was noted that the gradient of roads within the site may be too steep for adoption should the development be granted.

**Waste Planning Authority (DCC):** Raised no objection subject to a condition requiring an updated Waste Management Audit Statement including measures to avoid waste occurring, level of construction and excavation waste, targets for re-use, recycling and recovery and details of waste disposal methods.

**Building Control (ECC):** Advised that no comment other than that the road design needs to consider Fire Brigade Access as required by Approved Document B5.

**Ecologist (Dorset Council Natural Environment Team):** Raised no objection to proposal. The site is capable of securing the mandatory 10% Biodiversity Net Gain (BNG) with the BNG metric to be updated at reserved matters stage.

The submitted surveys were undertaken in 2022; however, walkover surveys were conducted in 2025 to assess any baseline changes. This is not considered to be a significant constraint in accepting the EclA report, provided any reserved matters include updated ecological assessments.

The site is within the Exe Estuary European site consultation zone and will generate recreational impacts and financial mitigation is required.

The proposal allows for Public Open Space to buffer the Valley Park. Whilst the EclA states that significant impacts will not occur this is not supported by evidence of visitor data.

Hedgerow buffers of 10m will be required for the development for both hedgerow and commuting bats, nesting birds and dormice.

Design of hedgerow functionality commented on and recommendations to improve them at design stage.

Space for translocation of slow worms/common lizard should be identified in the Public Open Space.

Conditions recommended requiring a Construction Environment Management Plan, Landscape Ecological Management Plan and a lighting strategy.

**Environmental Health (ECC):** No objection to proposal subject to conditions. These include a contaminated land assessment and remediation, noise quality assessment and a Construction Environmental Management Plan.

**Local Plans Team (ECC):** Advised that the Council cannot currently meet its five-year housing supply, however it anticipated that this will be met with the next update. The proposal is contrary to Local Plan saved policy LS1 (landscape setting), however this has been subject to debate and can only be afforded limited weight, the primary consideration is therefore Core Strategy policy CP16. The proposal is contrary to Core Strategy policy CP16 due to negative impact on the character and local distinctiveness of the area, with this evidenced in the 2022 Exeter Landscape Assessment.

The emerging Exeter Plan currently has limited weight, with this increasing as it moves through examination stages over the coming months. The proposal would be contrary to policies S1 and NE1 that protect distinctive characteristics, special

features and qualities that make this valued landscape sensitive to development, as evidenced in the 2022 Landscape Sensitivity Assessment.

The site has been assessed in the 2024 Exeter Housing and Economic Land Availability Assessment and it concluded that the site would be unsuitable for housing as it would be contrary to the Exeter Plan's spatial strategy.

**Urban Design and Landscape Officer (ECC): Objects** to proposal. The topography of the area makes the site visible above some areas of existing trees, which due to being deciduous will not provide significant screening in late autumn, winter and early spring periods. The ridge-heights will break the horizon in some positions along the length of the site.

The submitted viewpoints do not truly represent the visibility of the site, with the site clearly visible from Barley Valley Nature Reserve and sites such as St Thomas Railways Station, Cowick Barton Recreation Grounds, Exeter Quay, Rougemont Castle and Bartholomew Terrace.

The visual impacts to the landscape setting of the city will be substantial, with limited screening and breaking of the horizon line. In addition, there will be significant impacts through the natural limit of the city. Nadder Park Road was carefully designed to be the final built limit whilst being discrete. Whilst this site is adjacent it is not a natural extension point and is a much more visible addition.

**Devon Wildlife Trust: Object** to proposal. Advised that the submitted information 'does not provide sufficient evidence to satisfy the requirements relating to biodiversity....' This includes lack of consideration of impacts on the Barley Valley Local Nature Reserve, no assessment on the Exeter Valley Park / Biodiversity Network / Green Space, Planning Statement erroneously stating no statutory nature conservation sites within 2km, protected species surveys considered out of date, bat survey not in line with current or previous guidance, hedgerow buffers are inadequate, no information on connections to the nature reserve.

**Exeter Civic Society: Object** to proposal. Proposal is contrary to policy LS1, being harmful to the landscape setting due to visibility from distant views. This would also relate to Exeter Plan policies NE1 and NE2 and their evidence base. Site is identified in the Exeter Landscape Sensitivity Assessment (August 2022) as having a high sensitivity to housing development.

The site is not considered sustainable, being more than a 20-minute walk from facilities and primary school, as well as 15 minutes from bus stops, with infrequent bus times. This is contrary to Sustrans guidance of 10-minute distance that people are likely to travel. The tilted balance would not apply as the development is not sustainable.



**Exeter Cycling Campaign:** Raised concerns regarding the scheme. The National Cycle Network route is usable only by strong and fearless cyclists and more thought and investment is needed to connect the development to the cycle network. There is a lack of safe cycling routes in this part of Exeter. No mention is given of paths suitable for cycling within or connecting to the site. Developer contributions should be sought to build safe walking, scooting and cycling paths from the development to Barley Lane School. Advice was provided on cycle parking within the development.

## **11.0 Representations**

214 objections were received, raising the following matters:

- Development is beyond the urban boundary of the city.
- Site is above neighbouring residents and overshadows them.
- Site has Landscape Setting designation.
- Site is next to Nadder Brook, Barley Valley Nature Reserve and Bowhay Lane Bridleway.
- Conflict with Exeter Plan policy NE1 that protects sensitive areas to west of the city.
- Loss of last remaining green and open space in the west would be detrimental to quality of life.
- Impact on the setting of Exeter – the hills, ridgelines and green space.
- Loss of sunsets across the west of the city.
- Conflict with Exeter Plan policy NE2 that aims to protect the Valley Parks from harm.
- The skyline, views, green spaces and setting are what make Exeter special.
- Unacceptable breach of the skyline.
- Site is green belt and should not be built on.
- No need for more housing in the city.
- Site can be seen from Halden Hills, 7km away.
- Vacant properties in the city should be used instead.
- Conflict with Exeter Plan policy H2 that identifies fewer sensitive locations of new housing.
- Conflict with NPPF paragraphs 135-137 requiring planning decisions to respect local character and identity with Barley Lane's ridgeline being a defining feature of Exeter.
- Conflict with NPPF paragraphs 179-182 requiring protection of valued landscapes. The Landscape Settings and Valley Parks fall into this category.
- Residents told this area would never be developed.
- Existing gardens are large and include trees that contribute to the green rim, this will be lost by the new development.
- Combined impacts on environment, highways and amenity through this and other nearby developments.

- Development should be sited in areas close to mass transportation such as Marsh Barton.
- If development is on a green space, it should be in the north of the city by the university.
- Brownfield land should be used over green fields.
- Exeter Plan shows enough sites allocated for building without having to use this one.
- Site is not brownfield and not located near city centre.
- Overlooking of neighbouring properties.
- Light spill into neighbouring windows.
- Loss of light to neighbouring properties.
- No public parks in easy reach.
- Increase in pollution through loss of fields, trees and banks and increase in cars.
- Impact on Green Circle through development on the highly sensitive Nadder Park Road aspect.
- Loss of 2.6% of the Green Circle to concrete, asphalt and tarmac.
- Contrary to Exeter Plan policy NE5 that seeks to protect the Green Circle and restrict development that adversely impacts its function.
- Proposal would sever visual and functional links between city and countryside.
- Proposed access points are dangerous with cars parked on both sides of the road.
- Barley Lane already under pressure from existing traffic and proposal will significantly increase vehicle movements.
- All access will utilise Nadder Brook Road which will not cope with the increase in vehicles.
- Buses struggle to use this route due to existing car parking blocking junctions.
- Barley Lane is narrow and has poor visibility, posing a risk for pedestrians, cyclists and other road users.
- Public transport is infrequent.
- Closest shops are 2.5km away down single lane roads of steep hill. Not within walking distance.
- All major employers are located miles away from the site, in Marsh Barton or the other side of the river.
- Location of development will promote use of private motor vehicles due to edge of city location.
- Increase in traffic problems for the city.
- Already issue with traffic backing up from Dunsford Road junction and this will be exacerbated.
- Barley Lane should be closed to vehicle traffic and the Green Circle run through it.
- Access points will be steep roads.
- Surrounding roads already have traffic problems and this will be made worse. This includes traffic/deliveries/visitors to Barley Lane School and two care homes.
- Traffic increase leading to carbon footprint increase.

- Closest bus stop is a considerable distance away.
- St Thomas Railway Station is too far away from site and has infrequent trains.
- Will displace existing residential parking spaces.
- Contrary to Local Plan policy T3 which requires development does not harm highway safety.
- Contrary to Manual for Streets.
- Contrary to Devon and Somerset Fire Service requirements.
- Contrary to Exeter Plan policy T1.
- Conflict with Exeter Plan policy EN3 which proposes reduction in traffic impacts.
- Conflict with Exeter Plan policy S2 which promotes Liveable Exeter principles.
- Conflict with Exeter Transport Strategy 2020-2040 which prioritises active and sustainable travel.
- Conflict with NPPF paragraphs 111-112 which require refusal of developments causing unacceptable highway safety impacts or severe cumulative impacts.
- Transport Assessment incorrectly states Barley Farm Road is a 30mph limit when it is actually 20mph.
- Route is used as rat run for people avoiding queues at Cowick Lane/Cowick Street/Dunsford Road/Buddle Lane crossroads.
- Location is too steep for most cyclists
- Visibility issues on junction connection to Dunsford Road.
- Due to steep hills the developer should help fund e-bike infrastructure.
- Area is used for parking by commuters as well as residents and is very busy.
- Increase in traffic making local roads more dangerous for pedestrians to cross.
- Increase in litter, domestic waste and disturbance to Barley Lane Nature Reserve.
- Contrary to NPPF paragraph 93, for planning to support healthy, inclusive and safe communities.
- Site is close to a Special Educational Needs School (Barley Lane School) for primary age children, which is currently a busy and dangerous route with visibility and safety issues.
- Site is an important green space that supports local wildlife. Development would lead to permanent loss of habitat for birds, small mammals and pollinators.
- Application form states that protected and priority species will be affected by the development.
- Loss of trees and hedges.
- Harm to the Special Protection Area and County Wildlife Site contrary to NPPF paragraph 174a.
- Failure to enhance natural and local environment, benefits and character/beauty of the countryside contrary to NPPF paragraph 174b.
- Significant harm to ecological network contrary to NPPF paragraph 174d.
- Inadequate biodiversity improvements contrary to NPPF paragraph 180.
- Contrary to Section 41 of the Natural Environment & Rural Communities Act 2006 for conserving biodiversity.
- Impact on species of principle importance, specifically dormice and bats.
- Reasonable likelihood that protected species are present on site.

- Contrary to Wildlife & Countryside Act 1981 with impacts on protected species including barn owls, bats and dormice.
- Harm to oak trees and wooded area in the corner of the field.
- Site is already biodiverse, why build on it and have to create another one to the west.
- Site forms part of an interconnected green corridor linking Valley Parks to surrounding countryside.
- Insufficient ecological evidence has been presented.
- Proposed 'scrap of land' for biodiversity is already in use as such.
- Loss of solar shading from existing trees.
- Contrary to NPPF paragraph 185 which seeks to protect tranquil areas from noise and disturbance.
- Additional strain on local services such as schools, healthcare facilities and public transport.
- Lack of doctors/dentists in the area.
- Site currently has foxes, starlings and sparrows.
- Local schools are already oversubscribed.
- Site provides natural drainage and helps to reduce surface water run-off. Hard landscaping will increase flood risk for neighbouring properties, contrary to sustainable drainage principles.
- Site already experiences significant flooding issues
- Increased flood risk leading to ice on the roads in winter.
- Existing drainage system runs through back gardens of houses on Nadder Park Road. It will not be possible to connect to this.
- New drainage connections will cause huge disruption.
- Concerns over capacity of existing drainage system.
- The area is rural and semi-rural in character and a valued feature. Development would erode this character and set precedent for further inappropriate building.
- Site operates as a carbon sink and urban cooling zone.
- Development would release stored carbon.
- Impact of construction work on residents.
- Impact of construction work on Barley Valley ecosystem and its function.
- The proposed Affordable Housing does not consider remoteness of the site and additional costs required for dependence on motor vehicles.
- Developer website shows a further 150 dwellings to be built on land to the west. Precedent could be set by this.
- High radon levels in the area.
- Inadequate publicity of the application.
- Site likely to be inaccessible for a gritter/snow plough in winter months.
- Existing broadband connection is poor and will be impacted by more dwellings.
- Decrease in property values

All representations are available to view in full on the Council's website. The material planning considerations raised will be considered in the 'assessment' section of this report.

## **12.0 Relevant policies**

### National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2025) – in particular, sections:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 10. Supporting high quality communications
- 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  
Environmental Impact Assessment  
Fire safety and high-rise residential buildings  
First Homes  
Flood risk and coastal change  
Hazardous substances  
Healthy and safe communities  
Historic environment  
Housing and economic needs assessment  
Housing needs of different groups  
Housing for older and disabled people

Housing: optional technical standards  
Housing supply and delivery  
Land affected by contamination  
Land stability  
Light pollution  
Natural environment  
Neighbourhood Planning  
Noise  
Open space, sports and recreation facilities, public rights of way and local green space  
Permission in principle  
Planning obligations  
Renewable and low carbon energy  
Travel Plans, Transport Assessment and Statements  
Use of planning conditions  
Viability  
Waste  
Water supply, wastewater and water quality

National Design Guide (MHCLG, 2021)

National Model Design Code (MHCLG, 2021)

“Building for a Healthy Life” (Homes England’s updated Building for Life 12)

GPA3 – The Setting of Heritage Assets (Historic England, December 2017)

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)

## Development Plan

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives

CP1 – Spatial Strategy

CP3 – Housing

CP4 – Density

CP5 – Mixed Housing

- CP7 – Affordable Housing
- CP9 – Transport
- CP10 – Meeting Community Needs
- CP11 – Pollution
- CP12 – Flood Risk
- CP13 – Decentralised Energy Networks
- CP14 – Renewable and Low Carbon Energy
- CP15 – Sustainable Construction
- CP16 – Green Infrastructure, Landscape and Biodiversity
- CP17 – Design and Local Distinctiveness
- CP18 – Infrastructure
- CP19 – Strategic Allocations

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

- AP1 – Design and Location of Development
- AP2 – Sequential Approach
- H1 – Search Sequence
- H2 – Location Priorities
- H3 – Housing Sites
- H4 – Loss of Dwellings
- H5 – Diversity of Housing
- H7 – Housing for Disabled People
- L1 – Valley Parks
- L3 – Protection of Open Space
- T1 – Hierarchy of Modes
- T2 – Accessibility Criteria
- T3 – Encouraging Use of Sustainable Modes
- T4 – Circular Walking Route
- T5 – Cycle Route Network
- T9 – Access to Buildings by People with Disabilities
- T10 – Car Parking Standards
- T14 – Highway Schemes
- C2 – Listed Buildings
- C3 – Buildings of Local Importance
- C5 – Archaeology
- LS1 – Landscape Setting
- LS2 – Ramsar/Special Protection Area
- LS3 – Sites of Special Scientific Interest
- LS4 – Nature Conservation

EN1 – Hazardous Installations  
EN2 – Contaminated Land  
EN3 – Air and Water Quality  
EN4 – Flood Risk  
EN5 – Noise  
EN6 – Renewable Energy  
EN7 – Telecommunications  
DG1 – Objectives of Urban Design  
DG2 – Energy Conservation  
DG4 – Residential Layout and Amenity  
DG5 – Provision of Open Space and Children's Play Areas  
DG6 – Vehicle Circulation and Car Parking in Residential Development  
DG7 – Crime Prevention and Safety

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

W4 – Waste Prevention  
W21 – Making Provision for Waste Management

#### Other Material Considerations

The Exeter Plan – Publication Plan: Regulation 19 (December 2024)

S1 – Spatial Strategy  
S2 – Liveable Exeter Delivery Principles  
CC1 – Net Zero Exeter  
CC2 – Renewable and low carbon energy  
CC3 – Local energy networks  
CC5 – Future development standards  
CC6 – Embodied carbon  
CC7 – Development that is adaptive and resilient to climate change  
CC8 – Flood risk  
CC9 – Water quantity and quality  
H1 – Housing requirement  
H2 – Housing allocations and windfalls  
H4 – Affordable housing  
H8 – Homes for older people  
H14 – Accessible homes  
H15 – Housing density and size mix  
H16 – Residential amenity and healthy homes



STC1 – Sustainable movement  
STC2 – The transport hierarchy  
STC3 – Supporting active travel  
STC4 – Supporting public transport  
STC5 – Supporting more sustainable forms of car use  
STC6 – Travel plans  
NE1 – Landscape setting Areas  
NE2 – Valley Parks  
NE3 – Biodiversity  
NE4 – Green infrastructure  
NE5 – Green Circle  
NE6 – Urban Greening Factor  
NE7 – Urban tree canopy cover  
HH1 – Conserving and enhancing heritage assets  
HH3 – Archaeology  
D1 – Design principles  
D2 – Designing out crime  
HW1 – Health and wellbeing  
HW2 – Environmental quality, pollution and contaminated land  
IF1 – Delivery of Infrastructure  
IF2 – Viability  
IF3 – Community facilities  
IF4 – Open space, play areas, allotments and sport

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 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)

Liveable Exeter Principles – A city-wide initiative of transformational change (2022)  
Exeter Density Study (July 2021)  
Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)

First Homes Planning Policy Statement (June 2021)  
Annual Infrastructure Funding Statement 2021/22  
Exeter Landscape Sensitivity Assessment (August 2022)  
Exeter Fringes Landscape Sensitivity and Capacity Study (February 2007)  
Green Infrastructure Study (April 2009)  
Green Infrastructure Strategy – Phase II (December 2009)  
South East Devon Wildlife – Joint Habitats Sites Mitigation Strategy (2024)  
Archaeology and Development SPG (November 2004)  
East Devon, Exeter, Mid Devon and Teignbridge Local Housing Needs Assessment: Report of Findings for Exeter (September 2022)  
Exeter Housing and Economic Land Availability Assessment (HELAA) First Edition (2022)  
Exeter Housing and Economic Land Availability Assessment Second Edition (2023)  
Exeter Brownfield Sites Studies (June 2020)  
Urban Capacity Study Part 1 (July 2020)  
Urban Capacity Study Phase 2 (July 2021)

### **13.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

It is where they may be some properties that will experience impacts. However, as this is an outline permission it is considered that this can be suitably addressed through the reserved matters layout and design and through the use of conditions. Any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the overall benefits of the scheme in terms of provision of housing and affordable housing to meet the identified needs in the city.

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 (up to 55.3 dwellings)

At least 10% public open space, including play areas.

Contributions to health care.

Employment during construction phase.

#### 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 £139.64 per sq. metre plus new index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website. The rate per sqm granted for 2025 is £139.64.

The proposal will generate Council Tax.

## **16.0 Planning assessment**

The key issues are:

1. Environmental Impact Assessment
2. The Principle of the Proposed Development
3. Quantum of Development
4. Design Considerations
5. Access and Highway Matters
6. Amenity Impacts
7. Air Quality
8. Contamination
9. Unexploded Ordnance
10. Ecology and Biodiversity
11. Heritage
12. Energy
13. Green Space and Play
14. Drainage

- 15. Affordable Housing and Planning Obligations
- 16. Planning Balance

### 1. Environmental Impact Assessment

Considering the sensitivity of the location it is considered appropriate to undertake an Environmental Impact Assessment under Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

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, a site area of less than 5 hectares and no more than 1 hectare of urban development that is not dwellinghouse development.

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.

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.

The proposal is therefore not considered to be EIA development as set out in the 2017 regulations and an Environmental Statement is not required.

### 2. The Principle of the Proposed Development

The site is within the western hills, on the edge of Exeter and is within a Landscape Setting Area and within Alphington/Whitestone Valley Park. It is currently grade 3 agricultural land.

#### *Policy Context*

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.'

LP policy DG1 states elements that provide good urban design, with c) of particular relevance to this proposal, namely that development fully integrates landscape into the design and the development into the existing landscape, including its three-dimensional shape, natural features and ecology.

Core Strategy (CS) policy CP1 covers housing requirements and the locations it should be sited. The supporting text to this policy states in paragraph 4.11 that proposals for development are identified, among other matters, by 'steering development away from hills to the north and north west that are strategically important to the landscape setting and character of the city.'

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.'

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.

As a whole the proposal fails to meet the requirements of LS1. 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. 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

CS policy CP16 states specific areas of the city, including the hills to the north and northwest, 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.

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.'

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.'

In relation the Valley Park designation, LP saved policy L1 states that 'Measures to enhance the Valley Parks will be implemented based achieving a balance between the aims of conservation, recreation, public access and environmental education. Development which would harm existing or potential opportunities for informal recreation in the Valley Parks will not be permitted.'

Emerging EP policy NE2 states that development proposals will only be permitted within the Valley Parks where they deliver a meaningful contribution to aspects including outdoor recreation, nature conservation, flood risk management and active travel enhancement. It also requires that 'development proposals do not result in unacceptable harm to the key purposes for which the Valley Parks are designated.' The emerging Exeter Plan is at Regulation 19 stage and therefore has very limited weight in determination of this application.

It is concluded that policy does not provide a blanket refusal for development within the landscape setting area but must be subject to assessment of the impacts and benefits of the scheme to form a balanced decision on acceptance of the principle.

### *Landscape Studies and HELAA*

There have been two relevant landscape studies that form the evidence base for the adopted Core Strategy and the emerging Exeter Plan, one in 2007 and the other in 2022.

The 2007 Exeter Fringes Landscape Sensitivity and Capacity Study includes the site within area 32. It is noted as being in a High Landscape Sensitivity, with Medium Low capacity for housing and categorised as being in the most visible zone.

The Study continues, noting that this particular site '...is a prominent ridge enclosing the Exe Valley and the city with only minimum intrusions such as the wireless mast and caravan site at Exonia park. Its wooded skyline is very important and both of this and the pastures below are highly sensitive.' It is noted that it is 'A prominent ridgetop enclosing the city with wide intervisibility and views to and from the city centre.'

The 2022 Landscape Sensitivity Assessment includes the site within area LP31, which has high sensitivity to housing. The assessment notes the recreation value of the Valley Park and a Public Right of Way and the area's '...attractive character as a rural ridge and slopes landscape with a combination of woodland, trees and open semi-regular field patterns allowing filtered views to the city and within the area.' The

landscape susceptibility to housing was noted as lying ‘...in its character as a ridge with steeply sloping sides, a prominent skyline and upper slopes visible from the east such as from the Exe river corridor forming a strong setting and green backcloth to the city, its role as setting to the west for a rural valley floor, the function as an accessible valley park serving the local community and the small scale semi-regular field pattern.’

The assessment continues, noting that ‘Visual susceptibility to housing lies in its intervisibility exposed to views from the city to the east with key views from the River Exe corridor, the ridge and slopes being visible as part of the green backcloth to the city. Other key views are from Barley Valley Nature Reserve and Barley Lane (Exeter Green Circle) east over the city and from local roads such as Redhills. The land parcel is therefore highly sensitive to housing.’

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.

The 2022 HELAA was for a much larger site consisting of this site and land to the west of Barley Lane. It passed the Suitability Assessment Stage A and the majority of the site, being areas with a gradient in excess of 1:3, passed the Stage B Assessment. It concluded that the wider site was subject to severe constraints that are not considered conducive to development, including the key constraint of being within Alphington/Whitestone Valley Park and the sensitivity of the landscape in the hills to the west of Exeter.

### *Other Guidance*

The 2023 HELAA concluded that the site is within a landscape that is highly sensitive to new housing development and that it is discounted for being contrary to the new strategy, failing the Stage A Suitability Assessment. As the site failed the Stage A Assessment it did not progress to Stage B.

The Devon Landscape Character Assessment guidelines note the need to ‘Protect important views to and from the hill tops surrounding the city of Exeter.’ It also notes the need to ‘protect the character of rural lanes,’ ‘maintain existing patterns of field enclosure,’ avoid prominent open ridges and slopes’ and ‘plan for a network of green spaces and green infrastructure links’.

The site is in an area identified in the draft Devon Local Nature Recovery Strategy which identifies it as a priority area and primarily suggests an expansion of woodland that would link the Barley Valley Nature Reserve with the Ancient Woodlands of the Nadder valley to the west.



## *Assessment*

The application fails to meet the requirements of LP saved policy LS1, by failing to 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.' As stated above, this is a blanket policy and that it has limited weight and CS policy CP16 has greater weight.

CP16 states that development in the hills to the northwest of the would only be appropriate where it protects the character and local distinctiveness of the area. To try and demonstrate this a Landscape and Visual Impact Assessment (LVIA) was submitted with the application.

The submitted LVIA, provided viewpoints from key areas around the city where the site is visible. The Council noted that the site is visible from a wider range of locations and expanded upon this, visiting a range of additional locations to confirm views of the site, including Ludwell Valley Park, Cowick Barton Playing Fields, Sydney Road, Exe Bridges, Bartholemew Terrace, Colleton Crescent, Haven Banks, St Thomas Railway Station and Quay Car Park.

In response to this, additional views of the site were submitted, alongside a response to the initial comments from the Council's Urban Design and Landscape Officer. It is noted that a view from Bartholemew Terrace was not analysed alongside wider views that would not normally be included in Zones of Theoretical Visibility. Given the sensitivity of the receptors, it is considered that a wider assessment was required.

Nadder Park Road forms the western edge of the existing settlement form of the city. The suburban street forms an unremarkable edge to the city, with dwellings facing outward towards the undeveloped countryside. In response to the topography of the area they were constructed with a deliberate massing strategy, with the final six houses being single storey in response to the rising ground. The other dwellings are set further down the hillside, with their building lines stepping back from Nadder Park Road, representing single storey built-form relative to the street level. This diminishes the height of the ridgelines, allowing the green slope of the hillside to be visible above their silhouette when viewed from the east. In addition, there is a mature treescape running along parallel, below and to the east of Nadder Park Road, creating a partial screen in front of the existing buildings for longer views. The Council's Urban Design and Landscape Officer (UD&L) considered this '...firstly respects the presence of the open countryside to the west and secondly reduces in its scale and visual impact in its progression northwards towards Bowhay Lane and Barley Valley Nature Reserve.

The submitted documents state that the line of trees lower down the hillside (below Nadder Park Road) will screen the development. The trees currently screen the northern part of Nadder Park Road in views from the east, however they are almost entirely deciduous species and in late autumn/wintertime/early spring they will have

no leaves and be semi-transparent, failing to form a full screen to the proposed development. In several views the current pasture can be glimpsed, demonstrating that the development will be visible regardless of the height.

The submitted layout plan, whilst indicative, does not respond to the three-dimensional shape of the landscape, with even grain and scale through the length of the site. Whilst the density reduces from south to north, the Design and Access Statement shows the proposed scale as almost entirely 2 storey dwellings. This even massing will screen the relatively thin fringe of fields and tree-lined horizon to the east that characterises and contains the city edge.

The rising landform and position of the site means that development in this area will generally be exposed and conspicuous. In several views of the site the current pasture that will form ground level of the site is clearly visible and development placed in these areas will be visible regardless of any building height. It is considered by the Council's UD&L that the proposed development will therefore appear above the crowns of the foreground tree belt and obscure large amounts of the western tree belt which currently forms the horizon and edge to the city. It is considered that in some areas the ridge-heights will break the horizon along the length of the site. A suggestion was made to utilise a tethered balloon to allow a clear demonstration of the maximum height of the proposed buildings and their potential impacts, however this was not undertaken by the applicant.

The additional photographic views of the site submitted have raised queries over their accuracy. The views from St Thomas Railway Station (incorrectly captioned as St James Railway Station) appear to have been taken a few steps down from platform level as it shows the site obscured by a building in the foreground. The assessing officer visited this location and recommended this viewpoint and the application site is clearly visible from platform level.

The additional photographs from Exe Bridges suggest the site is contained and screened by trees, however the ground level in the northern part of the application site is clearly visible. Photographs from Cricklepit Bridge do not provide direct line of site due to immediate vegetation, but a short distance from there, on the west back of the River Exe shows a clear view of the site from the popular and historic Quayside area of the city.

The view from Collaton Crescent clearly shows the application site, with parts of the existing pasture visible between the tree-belt. Approximated drawings based on a 10m height suggest that the western tree-belt would be significantly obscured by the proposal.

The views from Cowick Barton Recreation Ground suggest minimal impact, however the Recreation Ground is clearly visible in the view back from the application site, suggesting again that the choice of precise viewpoint is affecting the conclusions.

The views from Barley Valley Nature Reserve itself is also not the most appropriate to understand the visibility of the application site. A short distance away from the submitted photograph is higher ground between Hadrian Drive and Antonine Crescent, a noted vantage point. The site is partially screened by deciduous trees, but will be visible in the later-autumn, winter and early-spring periods, especially when it is artificially illuminated with street lights.

There are also two key receptors that have not been considered in the submitted photographs: Bartholomew Terrace and Rougemont Castle.

Bartholomew Terrace is a historic vantage point and is promoted as a recreational route by the Museum and Art Gallery as part of the City Wall walk. The turning point on the corner of Bartholomew Terrace is therefore a historically important view and the site is clearly visible from this location. Below the site a green swathe of Barley Valley Nature Reserve is visible and the insertion of built form above this would significantly undermine the setting of the Valley Park and the Landscape Setting of the city.

Rougemont Castle had not been previously raised with the applicant, however it is considered that the vantage point from this location is significant. It is publicly accessible and adjacent to a public garden and the city's Norman Castle. Public access is possible to a secondary tower in the south-west corner of the castle which has clear views of the western hills of the city. It is difficult to be sure without a fully verified photo test; however, a strip of the application site appears to be visible from this location below the transmitter.

In response to longer distance views of the site the applicant advised that longer views '...would not result in effects at a level that could influence the decision-making process.' Considering the raised position and clear visibility of the site from a variety of more localised surrounding areas it is the Council's view that a wider assessment should have been undertaken that included areas raised by public comments, such as Haldon Hills. It should be noted that the site is visible from the eastern side of the city, with parts of Ludwell Valley looking west over the city and the site is visible, albeit at a distance. This is an important consideration, as this will create an intrusion into the ridgeline and surrounding rural hinterland that defines the Landscape Setting Area and Alphington/Whitestone Valley Park.

Queries were raised regarding the level of re-profiling necessary for this development as no illustrative cross-sections were submitted with the original documents for the application. The applicant responded that the changes to ground levels would not '...be considered material...' and that overall ground levels would '... be retained with development platforms designed to minimise cut and fill'. The response also

continued that '...similar level changes are commonplace within new housing developments at the suburban edge of Exeter'. Whilst cut and fill may be an aspect of other developments, each site must be considered on its own merits and as demonstrated above, this site is particularly visible. The submitted 'Supplementary information provided in response to Officer comments' included cross sections through the site; however, these do not go into detail on the scale of level changes that will occur. Considering the highly visible location any raising of ground levels has the potential to create significant visual harm. In this instance further information is therefore required on this matter.

LP saved policy L1 states that 'measures to enhance the Valley Parks will be implemented based achieving a balance between the aims of conservation, recreation, public access and environmental education. Development which would harm existing or potential opportunities for informal recreation in the Valley Parks will not be permitted.'

This development sits within a Valley Park; however, the applicant's Planning Statement notes that it sits outside the area defined by Devon Wildlife Trust (DWT) as Barley Valley Park. It should be noted that Barley Valley Park is not a defined area in planning terms, with the site falling within the much wider Alphington/Whitestone Valley Park. DWT manage the Barley Valley Nature Reserve area, adjacent to the application site, but are not responsible for the entire Valley Park area as defined in the adopted Development Plan and the emerging Exeter Plan.

The applicant proposes a parcel of land, separated from the site by Barley Lane for wildlife enhancement with permissive access and open space areas throughout the development. It is not considered that areas within the site will significantly enhance the function of the Valley Park itself, being suburban open spaces with housing surrounding any provided areas. The additional parcel of land is not directly attached to the site and whilst offering a level of biodiversity and ecological features is clearly separate from the fields in which the residential development is proposed. The site is identified in the draft Devon Local Nature Recovery Strategy, which suggests an expansion of woodland that would link the Barley Valley Nature Reserve with the Ancient Woodlands of the Nadder valley to the west. This has not been referenced in the submitted documents.

Whilst the applicant considers that the aims of LP saved policy L1 have been met, the primary field will be similar to any suburban development in the city and will not provide the specific enhancement and opportunities needed to justify development in the Valley Park.

Comments were also received from the Council's UD&L regarding the layout including risk of overlooking from public spaces, location of play parks, sizing of

public spaces and the overall layout. However, these are matters that would be addressed at reserved matters stage. A parameter plan would be beneficial to help secure a high-level layout at this stage and may help to mitigate the scale of harm created by the proposal, for example through altering the layout and scale of buildings.

### *Exeter Green Circle*

LP saved policy T4 sought the establishment of a circular walking route around the city that consists of existing public rights of way and other permissive paths. This route has been delivered under the 'Exeter Green Circle', which this site abuts.

The Green Circle runs along Nadder Park Road along the eastern boundary of the site before joining a footpath running along the north-east boundary to connect with Barley Lane. Currently there is residential development only to the east of it along Nadder Park Road, with the footpath running between the public Barley Valley Nature Reserve and the agricultural use of the application site.

Emerging EP policy NE5 seeks protection of its function and setting stating that 'The Green Circle will be protected as an important green infrastructure asset that links communities in a sustainable way whilst providing exercise, recreation and health benefits. Development proposals which adversely affect the function of the Green Circle, or its setting, will not be permitted.

It is acknowledged that the adopted development plan does not require protection of the Green Circle, with the aim of LP saved policy T4 being the establishment of it. Emerging EP policy NE5 seeks to secure the function and setting of it, however this policy is only at Regulation 19 stage and therefore has very limited weight at the current time. Emerging EP policy NE5 is still relevant though in setting out the significance of the Green Circle and the need to secure its protection in emerging local policies.

The proposed development would have an impact on the setting of the Green Circle, changing the rural edge of it to a suburban setting. Whilst it is acknowledged that some areas of the Green Circle do pass through suburban areas, it is a predominantly green route.

With regards to this site, the Green Circle runs along the northern suburban edge of the city. To the south it runs along Barley Lane and whilst parts of the initial section from Dunsford Road are developed on both sides, it becomes less developed on the western edge running adjacent to agricultural land after The Quarries along Barley

Lane and then the entirety of Nadder Park Road where it joins Bowhay Lane footpath and then into Barley Valley Nature Reserve.

No mitigation proposals for the Green Circle have been offered and whilst the eastern boundary of the site is shown as having planting, it will clearly change from a rural setting to a more suburban environment with the addition of access roads and with the raised position of dwellings adjacent to the site that will be seen through the boundary treatment.

### *Appeals and Other Decisions*

There have been a number of applications in recent years for sites on the edge of the city, within the Landscape Setting Area. It should be noted that this particular site is also within the Alphington/Whitestone Valley Park and adjacent to the Barley Valley Nature Reserve, creating additional considerations and constraints that other sites were not subject to.

The appeals are a mix of dismissed and allowed decisions and it is clear that there is no precedent set for acceptability or refusal of development in the Landscape Setting Area. There is a recurring theme throughout though, that the urban intrusion must be carefully assessed in relation to the surrounding built form, landscaping and remaining green edges. For example, Spruce Close (20/0538/OUT - APP/Y11110/W/22/3292721) included parameter plans limiting the height, retained sensitive and secured visually prominent tracts of open land as a new Valley Park and was found acceptable. In contrast, an appeal at Pennsylvania Road (20/0596/OUT) was dismissed as according to the Inspector it formed an 'anomalous form of development projecting beyond the clearly defined limits of the city and its natural boundary formed by the belt of trees'.

Both of these appeals are in the northern hills, and a more localised application was refused at Land East of Barley Lane, which was not appealed. This found that the proposed development breached the natural edge of the city formed by the green ridge line and would create unacceptable harm to the Landscape Setting Area, a position similar to this proposal.

### *Conclusions on the Principle of the Proposed Development*

The site is in a clearly visible location in a Landscape Setting Area and within Alphington/Whitestone Valley Park. CS Objective 8 requires protection of the natural setting provided by the Valley Parks and hills to the north and west. CP16 states that the character and local distinctiveness of the hills to the west and the Valley Parks will be protected and proposals for landscape, recreation, biodiversity and educational enhancement brought forward. These policies are clear in setting out

what acceptable uses can occur in these areas. This proposal for housing does not fall within policy defined uses.

It is acknowledged that every proposal within these areas must be carefully considered, as it may be possible for a development to provide recreational space and protect and enhance the landscape.

However, in this instance the proposed development would unacceptably erode the green edge of the city and see the loss of Valley Park land to urban expansion. There are clear pockets of visibility to the current field and development of any height in this location will be apparent. Some of the most sensitive and historic receptors have not been properly tested, but the Council's research demonstrates that some of those most affected, such as Collaton Crescent, Bartholomew Terrace and Rougemont Gardens are among the most important viewpoints looking westward. The landscape would become enclosed by development and artificial lighting in this area would further damage the sense of landscape that encloses the city edge.

The landscape effects are also significant. The site is within Alphington/Whitestone Valley Park and forms a natural edge to the developable area of the city. Development of this area would create enclosure of parts of the Barley Valley Nature Reserve, both within the site and when viewed from across the city.

The proposal is therefore contrary to LP saved policies LS1 and L1, CS policies CP16 and CP17, emerging Exeter Plan policies NE1 and NE2 and NPPF paragraph 135(c).

### 3. Quantum of Development

CP policy CP4 seeks the highest appropriate density, compatible with local amenities, the character and quality of the local environment and safety and convenience of the local road network.

The proposed development based on the indicative layout would have a net development density level of 39 dwellings per hectare (dph). Highest density is sought for developments; however, this must respond appropriately to the locational context. This site is an edge of city location and therefore this level of density is considered to be acceptable, notwithstanding the in-principle objections to any development on this land discussed above.

The application includes a 35% level of Affordable Housing (AH), which is compliant with CS policy CP7. It is acknowledged that there is a significant demand for AH in the city and this proposal will assist in meeting this. Any approval would need to secure this through a s106 legal agreement to ensure full delivery.

Public comments noted that the developer's public consultation website mentioned future development of land to the west for up to 150 dwellings. At the time of assessment, the consultation website was not active to confirm this fact. It is noted that pre-application enquiry 21/1019/MP was for 150 dwellings on a much larger site and was not supported by the Council. The application being assessed is solely for the area outlined in the site location plan and for a maximum of 65 dwellings. Any further developments will be subject to a separate application and do not form part of the assessment of this scheme.

#### 4. Design Considerations

LP saved policy H1 requires that development be 'designed and located to raise the quality of the urban and natural environment and reduce the need for car travel'.

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'.

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'.

It is acknowledged that the majority of design and layout considerations will form part of the reserved matters submission should the application be approved. The relevant aspects, such as proposed height of buildings has been discussed above in the 'Principle' section of this report.

#### 5. Access and Highway Matters

Local plan saved policy T1 sets a hierarchy of transport modes, with sustainable and environmentally acceptable modes being referred over private vehicle use.

Saved policy T2 advises that development should be within walking distance of facilities and transport routes.

Saved policy T3 seeks safeguarding of existing transport routes and the provision of cycle parking for occupants/visitors.

Saved Policy H2 requires that development is not detrimental to 'the safety of local roads'.



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.

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'.

### *Traffic Generation*

The original submitted Transport Assessment (TA) was found by the Highway Authority to require further information, including consideration of peak traffic on Barley Lane School and further Personal Injury Collision (PIC) data.

A revised TA was submitted that covered these matters and the Highway Authority raised no objections to the information provided.

The TA confirmed that there would be an increase on existing traffic movements of 31 two-way movements during the AM peak and 30 two-way movements in the PM peak. It was demonstrated that the school drop-off and pick-up times sit outside the AM and PM network and development peaks. The Highway Authority stated that the impact between the school and the development would not pose an unacceptable risk to highway safety when taking into account existing and proposed movements.

Five years of PIC data was submitted which demonstrated that whilst there have been collisions in the surrounding area, they are generally dispersed across junctions within the study area and through the study years. The Highway Authority concluded that there are no clusters of accidents that warrant further investigation and that there are no concentrations of collisions or irregular casualties that suggest an existing safety issue that would be exacerbated by the proposed development.

It was noted that there are existing footways that are used by existing residents of the area and that these can be used by users of the development and allow access to bus stops and sustainable travel routes through the city. The Highway Authority noted that the site is in close proximity to Local Cycling and Walking Infrastructure Plan (LCWIP) routes. Improvements to these routes are identified in the LCWIP and a planning contribution of £700 per dwelling was requested to deliver these improvements to promote sustainable transport options for residents.

Public comments noted that whilst there is a bus service in the immediate area, running along Barley Farm Road and Barley Lane, it is often cancelled or delayed.

The day-to-day operation of bus services would be down to the operator and in relation to this application there are bus stops close to the site, with a regular service

### *Access Design*

Two access points are proposed for the development and it was demonstrated through vehicle tracking drawings that large vehicles would be able to access the site successfully. The Highway Authority raised no objections to this aspect of the proposal.

It was noted that there is an existing agricultural access point to the site and that this should be permanently closed if the development went ahead. This would be secured via condition prior to occupation.

It was noted by the Highway Authority that the site is steep in nature and that there may be difficulty meeting an acceptable gradient for streets to be adopted and that they may have to remain private. Advice was provided on the standards that would be required and early discussions with the Highway Authority recommended should the development proceed.

The majority of existing dwellings along Nadder Park Road have off-street parking and garages and the Highway Authority noted that Nadder Park Road is wide enough to accommodate parked vehicles on one side of the road for the existing dwellings. It is therefore not considered that there will be any significant highway impact generated through this development. It was recommended to consider parking restrictions to ensure vehicles can still pass one another on the highway and a Traffic Regulation Order contribution of £10,000 was requested to cover this, and the works on the public highway.

The site layout and design are reserved matters and vehicle and cycle parking would therefore be assessed at that stage. However, a condition is recommended on any approval to ensure it meets Sustainable Transport Supplementary Planning Document guidance levels.

### *Other Matters*

A Travel Plan was submitted as part of the application and was considered broadly acceptable by the Highway Authority. An updated Travel Plan should be secured via condition to ensure it is up to date for occupants of the site.

A Construction Management Plan would be required during the construction phase of the development to limit impacts to the public highway during the works.

### *Conclusions*

Following submission of additional information, it has been demonstrated that there will not be an unacceptable increase in traffic generated from the development and that there will be no significant increase in highway safety impacts. The site is close to LCWIP routes and public transport to allow sustainable routes to the city centre.

The two proposed access points can accommodate large vehicle movements and will not significantly impact on-street parking for existing residents.

The proposal is therefore considered acceptable in relation to access and highway matters and accords with relevant policies and guidance.

### 6. Amenity Impacts

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.

There will be a level of impact generated from vehicle movements in and out of the site, however considering the relatively low level of traffic entering and exiting this site it is not considered that this will generate any significant amenity impacts.

The internal layout of the site is subject to reserved matters and therefore matters such as overlooking, loss of light or similar concerns will be assessed fully at that stage, alongside suitable mitigation, should this outline application be approved.

It is acknowledged that there will be a level of impact during the construction phase on nearby residents. A condition for a Construction Environment Management Plan is therefore recommended to control the level of harm.

It is concluded that there will not be any significant amenity impacts generated from this proposal, subject to further assessment at reserved matters stage and the use of conditions.

### 7. Air Quality

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'.

CS policy CP11 requires development to be 'located and designed so as to minimise and if necessary, mitigate against environmental impacts'.

An Air Quality Impact Assessment (AQIA) was submitted in support of the application. This demonstrated that there would not be any significant impacts generated from the development. This raised no objections from the Council's Environmental Health team. Therefore, the proposal is considered acceptable in regard to LP saved policy EN3 and CS policy CP11.

## 8. Contamination

LP saved policy EN2 requires site assessments where there is considered to be a risk of contamination.

The submitted Contamination Report recommended further intrusive investigation, a view supported by the Council's Environmental Health team. Any approval should therefore include a condition for an intrusive site investigation and remediation, as necessary.

## 9. Unexploded Ordnance

The Council's mapping data shows that the application site and neighbouring land were subject to bombing during the Second World War. In light of this, there is a risk of unexploded ordnance being found on-site during the construction phase. It is therefore considered necessary to place a pre-commencement condition for an unexploded ordnance survey to be undertaken to identify and mitigate any risks should the application be approved.

## 10. Ecology and Biodiversity

### *Policy and Site Constraints*

LP 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.

Core Strategy policy CP16 requires (alongside other aspects) protection and enhancement of environmental assets, and protection of the character and local distinctiveness of the hills to the north-west of Exeter and Valley Parks. It also requires protection of all sites of national, regional and local conservation importance with suitable mitigation for any unavoidable impacts.

Paragraph 187 of the NPPF is relevant, 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.

The application site is located immediately adjacent to the Alphington-Whitestone Valley Park County Wildlife Site and the Barley Valley Local Nature Reserve. It is also located within the Cowley Wooded Hills as identified within the Green Infrastructure Strategy (2009). To the west of the site, separated by fields and Burnets Brakes woodland, is the Eastdown Plantation Ancient Woodland.

### *Ecologist Comments*

The Council's Ecologist was consulted on the proposal and noted that the submitted surveys were undertaken in 2022, with further walkover surveys undertaken in 2025 to assess any changes in baseline ecological conditions. Whilst fully updated surveys would have been preferred this was found to be consistent with industry best practice and sufficient for the site context and the proposals. It was recommended that any approval include a condition for updated ecological assessments at reserved matters stage.

The Council's Ecologist noted that retained hedgerow should be adequately buffered from the development, not just through the construction phase, with suitable buffers and 10m dark corridors in line with the relevant Devon Technical Guidance (Maintaining dark corridors through the landscape for bats, January 2022) and the latest version of the ILP/BCT guidelines. The Ecologist continued, noting the need for defensive planting for dormice, the need for mitigation planting and connectivity improvements. Whilst this is noted, the layout of the site is not being considered at this stage and would form part of a reserved matters application. Should the application be approved then the applicant would be advised of these recommendations.

The Council's Ecologist recommended a suitable area for slow worm and common lizard retention or translocation. This was recommended to be submitted with any reserved matters application.

The indicative drawings allow for a Public Open Space to buffer the Alphington-Whitestone County Wildlife Site; however, the submitted Ecological Impact Assessment (EclA) states the potential for increased visitor pressures to the Barley Valley Local Nature Reserve and the Valley Park. The EclA advises that significant impacts are not predicted due to the location of the development site. No evidence has been submitted to support this, such as visitor numbers, and it is likely that there would be a level of recreational impact due to the positioning adjacent to the Barley Valley Nature Reserve. In relation to this it is noted that there is currently no measure to secure mitigation for this impact in the Development Plan or supporting documents and no standard calculation of what any mitigation would be. In addition, no request was made by the Council's Public and Green Spaces team or by Devon Wildlife Trust who manage the site. It would therefore fail to meet the planning obligation tests and would not be able to be applied in this instance.

The Council's Ecologist recommended conditions for a Construction Environment Management Plan (CEMP), a Landscape and Ecological Management Plan (LEMP) and a lighting scheme which should be included on any approval.

### *Biodiversity Net Gain*

The site is subject to the mandatory 10% Biodiversity Net Gain (BNG) and the submitted BNG Metric demonstrates that this can be met within the application site. This would be considered as 'on site significant' and would require a legal agreement to secure this, alongside the 30-year management and monitoring. It was noted by the Council's Ecologist that the habitat surveys were conducted at 'sub-optimal time of year' and requested a condition requiring an updated BNG Metric to be submitted at reserved matters based on an updated assessment.

### *European Sites*

The site lies within the Exe Estuary European site consultation zone and, following an Appropriate Assessment, was found to create recreational impacts. In accordance with the South East Devon Wildlife – Joint Habitats Sites Mitigation Strategy this would be secured through top-slicing of Community Infrastructure Liability (CIL) payments on market housing and a financial contribution secured via a s106 legal agreement for any CIL-exempt Affordable Housing units.

### *Ancient Woodland*

The site is within 500m of Ancient Woodland, which lies to the north of the site, separated by a further agricultural field.

The Forestry Commission advised they had no comments to make and referred to their standing advice. Having considered this, it is concluded that a suitable buffer exists between the Ancient Woodland, which sits on a higher level, and the application site and that there would be no significant harm generated.

### *Trees*

There are existing trees along the site boundaries and it is proposed for the majority of these to be retained. A number of trees are noted as dead or dying and will have to be removed, with three other trees removed to create the access points. Whilst this is unfortunate, they are class B and C trees and their loss will not generate significant harm. The loss of these trees will be offset through the Biodiversity Net Gain matrix.

### *Conclusions*

Whilst some of the survey data is old, it has been considered acceptable by the Council's ecologist, subject to a condition requiring updates at reserved matters stage. It has been demonstrated that no significant harm will be generated and that mitigation, including the mandatory 10% BNG can be achieved. The proposal is therefore acceptable on ecology and biodiversity matters subject to conditions.

## 11. Heritage

The application site is not within an Area of Archaeological Importance and there are no listed buildings or conservation areas within or immediately adjacent to the site.

LP saved policy C5 requires preservation of archaeological remains were possible, or if not feasible then a recording programme.

A Heritage Impact Assessment was submitted with the application that noted archaeological remains, most likely a small Roman farmstead. These are of interest, but not of a high enough level to require preservation in situ. In light of this, a condition for an Archaeological Written Scheme of Investigation is recommended to ensure these are excavated and recorded appropriately, should the application be approved.

## 12. Energy

LP saved policy DG2 requires that development be laid out and designed to maximise the conservation of energy.

CS policy CP13 requires new development of 10 or more dwellings to connect to any existing or proposed Decentralised Energy Network.

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.

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 of dwellings. This will ensure compliance with CS policy CP13.

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 an updated Statement prior to commencement in accordance with Devon Waste Plan policy W4.

CS policy CP15 requires development to demonstrate how sustainable design and construction methods will be incorporated, how it will be resilient to climate change, optimise energy, water efficiency, and reduce carbon emissions. This development would be expected to meet this criteria and detail demonstrating this would form part of the reserved matters application.

### 13. Green Space and Play

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.'

LP saved policy L4 requires contribution to the provision of youth and adult play space.

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.



The development would need to provide Local Areas of Play (LAP) and Local Equipped Areas of Play (LEAP) depending on the final layout. Any approval would include an informative with guidance on expected levels. A LAP should be within 100 metres of all dwellings and a LEAP should be within 400 metres of all dwellings.

Developments between 10-200 dwellings are required to contribute to improvements/upgrades of off-site Youth Facilities and/or MUGAs for older children. The Council's Public and Green Spaces Team requested a planning contribution towards improvements of local MUGA and Youth Facilities at a rate of £217 per bedroom per dwelling (for all dwellings with 2 or more bedrooms). This should be secured in a s106 legal agreement.

#### 14. Drainage

Core Strategy policy CP12 requires development to utilise sustainable urban drainage where feasible and practical.

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.

LP saved policy EN3 requires that development does not harm water quality without acceptable mitigation measures incorporated into the development.

The Lead Local Flood Authority (LLFA) were consulted on the proposal and raised objections due to insufficient information including confirmation of agreement to a SWW connection, flow controls, FEH mapping and detail of groundwater levels.

South West Water advised that there is foul sewerage in the nearby area and that clean potable water could be provided to the site. It was noted that SWW are planning to lay a new watermain through the field adjacent to Barley Lane that would need to be included in the development design.

Further information was submitted by the applicant in response to these; however, it is considered that further detailing is still required. It is acknowledged that this matter will likely be able to be overcome, however considering the in-principle objection to the scheme it is not considered appropriate to place delays on the determination of this application as it will not resolve the fundamental issues with this proposal.

The application is therefore unacceptable as it has not been confirmed that an acceptable sustainable urban drainage system can be provided for the site, fails to demonstrate there will not be an increased risk of flooding and fails to demonstrate

there will be no harm to water quality. The proposal is therefore contrary to CS policy CP12 and LP saved policies EN3 and EN4.

### 15. Affordable Housing

CS policy CP7 requires a provision of 35% of the total housing provision to be Affordable Housing (AH), with the mix to be based on the latest housing demand calculations.

The proposal advises that 35% AH will be delivered on site and this is policy compliant. This should be secured in a s106 legal agreement. The types of housing to be provided will be dealt with at reserved matters stage.

### 16. Planning Obligations

CS policy CP18 states that new development must be supported by appropriate infrastructure in a timely manner. Developer contributions will be sought where necessary to mitigate adverse impacts to ensure the physical, social, economic and green infrastructure is in place to deliver acceptable development.

The following matters are considered necessary to make the development acceptable in planning terms, to be directly related to the development, and fairly and reasonably related in scale and kind to the development meeting the tests set out in Regulation 122.

- LCWIP delivery and improvements at £700 per dwelling
- Traffic Regulation Order for works to the public highway of £10,000.
- Provision of LAP and LEAP in accordance with Fields in Trust Guidance
- £217 per bedroom per dwelling (for all dwelling with 2 or more bedrooms) for MUGA and Youth Facilities.
- Improvements to GP surgeries at Foxhayes Practice, St Thomas Medical Group Exwick and St Thomas Medical Group Cowick Street at a rate of £626 per dwelling.
- Securing of 35% Affordable Housing
- Securing Habitat Regulation Assessment mitigation due to recreational harm to the Exe Estuary SPA for all Affordable Housing at a rate of £1,284.71 per dwelling.

### 17. Planning Balance

The Council cannot currently demonstrate a 5-year housing supply and therefore the tilted balance in favour of sustainable development, as required by NPPF paragraph 11(d) is in effect.

However NPPF paragraph 11(d)(ii) states that if there are adverse impacts that would significantly and demonstrably outweigh the benefits, 'when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination' then an application can be refused.

As demonstrated within this report the site is within a very sensitive location on the western hills of the city and is highly visible, particularly from the south-east and east. It is within a Landscape Setting Area and a Valley Park and creates the green ridge that defines the edge of the city and the rural hinterland.

In accordance with Development Plan policies and examples of similar appeals the scheme has been carefully assessed as to whether residential development in this area would be acceptable. However, it is concluded that there will be demonstrable and significant harm to the Landscape Setting of the city and to the visual setting of the Valley Park.

It is therefore considered that the requirements of NPPF paragraph 11(d)(ii) have been met and the level of harm outweighs the benefits of up to 65 new dwellings.

## **7.0 Conclusion**

The site is within a Landscape Setting Area and Alphington/Whitestone Valley Park. Whilst appeals have confirmed that policies do not completely prevent development in these areas, they are sensitive areas and proposals must be given careful consideration of the harm generated and the proposed uses.

In this instance the proposal for housing does not directly fall within policy defined acceptable uses, however it is acknowledged that it may be possible for a residential development to provide recreational space and protect and enhance the landscape and be compliant with CS policy CP16. However, in this instance the proposed development would unacceptably erode the green edge of the city and see the loss of Valley Park land to urban expansion. Whilst the submitted LVIA and associated documents seek to demonstrate that there will be limited harm, officers consider it is clear that development will be visible and that the green ridge that defines the landscape setting of the city will be unacceptably harmed, alongside the significant loss of green space that forms part of the Valley Park. The proposal is therefore contrary to LP saved policies LS1 and L1, CS policies CP16 and CP17, emerging Exeter Plan policies NE1 and NE2 and NPPF paragraph 135(c).

At the time of this recommendation, it has also not been possible to confirm that acceptable sustainable urban drainage systems can be provided at the site. It is acknowledged that revised information has been submitted by the applicant and that a response is required from the LLFA. Considering the in-principle objection to the

scheme demonstrated by this report it is concluded that any resolution of this matter would not impact on the in-principle refusal reason and would add unnecessary time to the decision-making timeframe. It is therefore added a refusal reason, being contrary to Core Strategy policy CP12 and Local Plan saved policies EN3 and EN4. but noted that it is resolvable.

The Council does not currently have a 5-year housing supply and therefore the tilted balance in favour of sustainable development is in effect. However, the harm to the Landscape Setting Area and Valley Park is considered to be demonstrable and significant due to the raised position of the site and the overall harm generated by the proposal outweighs the benefits. The scheme therefore fails to accord with national and local policy and guidance and is recommended for refusal.

## **18.0 Recommendation**

REFUSE for the following reasons:

1. The proposal, by virtue of its location within a Landscape Setting Area and within Alphington/Whitestone Valley Park, will unacceptably erode the green edge of the city and see the loss of Valley Park land to urban expansion. The proposal is therefore contrary to Local Plan saved policies LS1 and L1, Core Strategy policies CP16 and CP17, emerging Exeter Plan policies NE1 and NE2, and NPPF paragraph 135(c).
2. It has not been confirmed that suitable sustainable urban drainage can be provided at the site, fails to demonstrate there will not be an increased risk of flooding and fails to demonstrate there will be no harm to water quality contrary, contrary to Core Strategy policy CP12 and Local Plan saved policies EN3 and EN4.
3. In the absence of a s106 legal agreement in terms that are satisfactory to the Local Planning Authority which makes provision for the following matters:
  - 35% Affordable Housing provision
  - £1,284.71 per Affordable Home unit to mitigate for recreational harm to the Exe Estuary Special Protection Area.
  - Provision of a LAP and LEAP in line with Field in Trust guidance and financial contribution of £217 per bedroom (for all dwellings with 2 or more bedrooms) towards improvements to off-site MUGA/youth facilities.
  - A Local Highway Authority obligation of £700 per dwelling to encourage sustainable transport through improvements to the Local Cycling and Walking Infrastructure Plan.
  - £10,000 for Traffic Regulation Orders needed for changes to the public highway.

- £686 per dwelling for expansions at Foxhayes Practice, St Thomas Medical Group Exwick and St Thomas Medical Group Cowick Street to accommodate population growth.
- Management company to manage/maintain public open space on the site

the 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.