

**COMMITTEE DATE:** 10 February 2020

**APPLICATION NO:** 19/1460/OUT

**APPLICANT:** AAH Planning Consultants

**LOCATION:** Land of Pennsylvania Road, Exeter

**PROPOSAL:** Outline application for residential development for up to 26 dwellings (all matters reserved except access).

**REGISTRATION DATE:** 07.11.2019

**DESCRIPTION OF SITE/PROPOSAL**

The application site (1.1 hectares) is located on the eastern side of Pennsylvania Road, north of two properties in Whitethorn Park and to west of the detached dwellings of Rolleston House and The Pool House. The site is undulating but has a distinctive slope from north to south which is characteristic of this part of Exeter. The western, northern and eastern sides of the site has existing mature hedgerow with the southern boundary more open in appearance. The site is currently used as grazing land. The current access to the site is from an agricultural field gate slightly set back from Pennsylvania Road.

This outline planning application proposes to develop the site for residential development for up to 26 dwellings. All matters are reserved except access. The illustrative layout indicates a combination of mainly terraced and semi-detached properties. The new access would be created from Pennsylvania Road and sited opposite the entrance to the picnic site located on the opposite side of the road. The new access would involve the removal of a significant section of hedgerow onto Pennsylvania Road to achieve the required visibility splays. No footway access along Pennsylvania Road is currently shown to be achievable.

**SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The application is supported by a Planning Statement, Design and Access, Affordable Housing Statement, Transport Statement, Interim Travel Plan, Flood Risk Assessment, Archaeological Assessment, Contamination Study, Geophysical Survey Report and Preliminary Ecological Appraisal.

**REPRESENTATIONS**

39 objections have been received. Principal issues raised:-

1. Increased traffic generation leading to congestion and unacceptable pollution levels;
2. Insufficient infrastructure to serve proposed housing ie shops, schools, GP surgeries;
3. Contrary to development plan policies, site not designated for housing;
4. Detrimental impact on wildlife ie bats, dormice, badgers, hedgehogs, deer etc;
5. Adverse visual impact on the landscape/skyline;
6. Narrow/busy/dangerous road access to the site for pedestrian, cyclist and horse riders;
7. Lack of footway to the site;
8. Potential for the housing to be used by students;

9. Loss of existing green space/trees/hedgerows;
10. Loss of agricultural land;
11. Set a precedent for further housing development in the area;
12. Unsustainable location difficult to access for pedestrian/cyclist due to steepness of slope to the site;
13. Adverse impact on the setting of the Roman camp and Iron Age fort located to the north of the site;
14. Water supply would be affected by the development;
15. Creation of suitable visibility splay will result in the removal of significant section of hedgerow;
16. Urbanisation of the area;
17. Existing bus services have been reduced in recent years, not a sustainable location;
18. Drainage problems from the surface water runoff;
19. Erode the visual character and appearance of the surrounding area;
20. Fails to protect the biodiversity of the area;
21. Danger to neighbouring grazing horses;
22. Loss of privacy through overlooking due to elevated position of the site;
23. Contrary to the objectives of the NPPF in respect of economic, social and environmental to achieve sustainable development;
24. Questionable transport analysis;
25. Create light pollution both visually detrimental and adversely impacting on wildlife.

## **CONSULTATIONS**

**The County Head of Planning Transportation and Environment** comment that submitted Transport Statement suggest that trip rates to the proposed development would result in 15 two-way AM and PM peak hour vehicle trips. It is noted that most of the trips will be Southbound (towards Exeter). The site itself is located on the edge of Exeter which gives tendency for the development to become car dependant but given the level of traffic generation from the site is expected to be modest, traffic generated cannot be a reason for refusal. However, the applicant must make every effort should be made to promote sustainable transport to justify the trip rates used.

### **Access**

A new vehicular access is to be created off Pennsylvania Road; Pennsylvania Road is subject to 30mph and to ensure safe & suitable access, appropriate visibility splays should be abided to. Upon site visit, visibility was obscured by vegetation. There are doubts as to whether visibility stands (2.4 by 43m with no obstructions over 600mm), can be met. The access will provide a 5.5m carriageway and 2m footways into the site which is acceptable in principle, but it is desired that the radii into the site is tightened to ensure slow speeds into a residential development. However, if the applicant wants to proceed with the proposed access arrangement, visibility splays need to be confirmed. This is to ensure safe and suitable access can be achieved.

Upon site visit there is no footway connecting the site to the public highway. The most convenient and direct route to Stoke Valley Road is on Pennsylvania Road, which has no footway at all (and is located on a bend).

The applicant had originally intended to connect into the existing Public Right of Way (PROW) from Stoke Valley Road and the applicant has quoted that *"this is currently surfaced and could be upgraded to include street lighting if required"* - however this route is not highway (HMPE) and it is unknown if the applicant has approached the land owner to see if any improvements are feasible. If the PROW route can be

brought up to an appropriate standard, then more details are required, including the tie into both the site and the public highway (Stoke Valley Road).

The latest submitted plans indicate that a footway is to be provided on Pennsylvania Road/Whitethorn Park/Stoke Valley Road, catering for pedestrian access. This shows that a 1.8m footway is to be provided from the site to Stoke Valley Road. This would provide continuous access to the existing footway network and provide access to bus stops on Stoke Valley Road. However, the applicant has yet to confirm if this is achievable on Public Highway (HMPE) or whether there is sufficient space to fit a footway given the constraints of the existing carriageway width. It is noted the applicant is proposing footway improvements to Whitethorn Park, which is not on Public Highway (in parts).

It is also noted that a pedestrian improvement is provided to the north of the site – there might be a desire for pedestrians to use this footway to cross to the road to access the picnic area opposite, however no provision for this has been made.

Given the absence of information to see if a suitable pedestrian can be achieved to the site, this is contrary to Paragraph 109/110 of the NPPF and CP9 of the ECC Core Strategy. Hence, given the above concerns, more information on pedestrian access is required. Should a footway be deliverable, it is expected that a Road Safety Audit Stage 1 is to be provided to ensure its suitability in principle.

### ***Travel Planning***

In accordance with paragraph 111 of the NPPF and the Sustainable Transport SPD, the development will be required to have a Travel Plan. This should be introduced including details of walking and cycling routes, as well as public transport including maps, timetables, and information about ticket offers. It should also include information about car sharing schemes, car clubs, eco-driving and motorcycle safety. These measures should be encouraged to continue the promotion of non-car-based travel.

### ***Construction***

The proposals will require demolition/construction work adjacent to a busy environment. To protect the safety of users of the public highway it is essential that the construction arrangements are carefully managed, and that appropriate space is available off the highway for all construction plant/vehicles.

### ***Summary***

In conclusion, further information is required to satisfy the highway authority that all of the proposed elements are acceptable. In particular, further information on the vehicular access point and pedestrian access. In the absence of this information then the highway authority, at this time, would be minded to recommend refusal.

**Devon County Flood Management Team** comment that the applicant has produced a surface water drainage strategy which is compliant with DCC SUDS Guidance (2017). The strategy will present a betterment to the existing surface water runoff regime by attenuating flows in the form of an attenuation pond and restricting discharge. Due to the gradient of the site infiltration at this site is not recommended. The site is split into two catchments with some of the site draining to the east and some to the west. This should be assessed at the detailed design stage and a drainage strategy put in place to ensure that surface water is draining to both of these catchments and no additional volumes will be entering into either catchment. Consequently there are no in-principle objections to the above planning application at this stage, assuming that their specified pre-commencement planning conditions are imposed on any approved permission:

**Devon and Cornwall Police Designing Out Crime Officer** has no objection in relation to the application, based on the indicative site layout although detailed comments are made in respect of any future layout following the submission of a reserved matters application.

**RSPB** comment that the installation of bird nest boxes and bat boxes should meet the Biodiversity Requirements of ECC's Residential Design Guide SPD and it is strongly recommend that installing at least thirty integral swift boxes is made a condition of the consent if granted.

**Wales and West Utilities** raise no objection however comment that their apparatus may be at risk during construction works and should the planning application be approved then the applicant should contact Wales and West Utilities directly to address their requirements. Should diversion works be required these will be fully chargeable.

**Environmental Health Officer** raises no objections subject to conditions regarding the need for a construction method statement and dealing with unsuspected contamination within the site.

**NHS** has requested that a financial contribution is made towards providing additional health care services to meet patient demand. *A response has been given to the NHS to their request stating that there is a lack of policy justification for contributions at the current time, which are considered to be strategic in nature and not specific to any one site.*

**City Council's Heritage Officer** comments that the assessment, including the geophysical survey that it contains, provides sufficient supporting information on the archaeological aspects to enable this application to be determined. There is no need in this instance for a field evaluation to be done prior to determination. The survey has not identified any remains on this site that affect the principle or layout of this proposed development. The site is set far enough away from and downslope from the nearby Roman signal station (a scheduled monument) so as not to materially affect the setting of the latter, which is somewhat compromised on this side by the existing miscellaneous stable buildings already. Further archaeological work to identify and record any more ephemeral remains that may be present on this site is necessary but can be secured by condition if planning permission is granted.

**Devon Wildlife Trust** comment that the proposals do not provide sufficient evidence to satisfy the requirements of National Planning Policy Framework (para. 170) and National Planning Policy Framework (para. 179). The site is part of a wider ecological network, comprising hedgerows, grassland and woodland, in this part of Exeter. As recognised by the applicant's Preliminary Ecological Appraisal (para. 4.1) it is part of the Exeter Biodiversity Network. The applicant's proposal would appear to harm this ecological network rather than making it more resilient.

There are inconsistencies in the Preliminary Ecological Appraisal which obscure the value of the eastern, western and northern hedgerows. The executive summary of this report states that these hedgerows are 'species-poor', yet para. 4.2 describes the western and eastern boundary hedgerows as mature and species-rich. Para. 4.3 describes these hedgerows as providing suitable habitat for dormice and connected to the wider off-site hedgerow network in the local area which links to areas of mature woodland.

The executive summary of the Preliminary Ecological Appraisal states that further surveys are required to determine the importance of the hedgerows and that a survey for dormice may be required.

It appears that a large section of the western hedgerow will be removed to create a visibility splay for the proposed road access. It is unclear how this is to be mitigated. Para. 62 of the Preliminary Ecological Appraisal states that 'the western boundary should be planted up extended into the Site as a buffer between the proposed development and the CWS across Pennsylvania Road'. More information is required to clarify what is proposed and whether it will mitigate the loss of hedgerow. The application gives no confidence that there would be a net gain for biodiversity as a result of this proposal.

**Disability Access Champion (Living Options)** comment that the development needs to ensure that it complies with Part M of the Building Regulations.

**Exeter City Council's Place Making Officer** comment that:-

The site is in the Landscape Setting policy area that covers the Stoke Hill to Beacon Hill ridge that defines the northern edge of Exeter. However, the consultant's report assumes that the policy has been deleted based on an appeal finding on a different site elsewhere in Exeter. The findings of an appeal inspector regarding the policy in this area might not necessarily be the same as demonstrated by the appeal site to the north of the West of England School for the Partially Sighted especially given the strategic importance of these hills to the setting and character of the City.

It should also be noted that reference in the report to the deletion of the Landscape Setting designation (Core Strategy para 10.39) applies to the growth areas to the east and south-west of Exeter not the hills to the north.

In addition, the site is an integral part of a site of Local Interest for Nature Conservation between Pennsylvania Road and Stoke Hill which links with the Duryard Valley Park (Site of Nature Conservation Interest) and the remainder of the Landscape Setting area to the east: no reference to this is made in the report. The proposal is contrary to the Exeter Fringes Landscape Sensitivity and Capacity Study finding that this site, as an integral part of Zone 3, has high Landscape Sensitivity and low Housing Use Capacity.

The Landscape and Visual Appraisal states that the site has a high level of containment afforded by boundary hedgerows etc. However, the photographic viewpoints chosen to show the boundaries of the site have been taken when the existing trees and hedges appear to be in full leaf. Comparable winter views following complete leaf fall would be needed to provide a more representative assessment of the site.

Viewpoint 1, as indicated on Figure 4, is within an area where the potential visibility of the proposed development site is assessed as being low. However, no explanation is given as to whether there is a viewpoint slightly further north along the bridle path where the potential visibility is given a high rating.

Development of this site would have adverse impact on the character and appearance of the area because of the following:

The site is an integral part of the hills that contains the urban extent of Exeter, provides a setting for the city as well providing a rural backdrop to the existing residential areas to the south of the ridgeline.

Development of the site would mean extending residential development beyond the built-up area potentially resulting in an adverse skyline impact and an unacceptable harmful effect on the character and appearance of the area.

The loss of this parcel of farmland would be to the detriment of the wider landscape and the rural character of the area, of which it is an integral part and could create a detrimental precedent that would lead to piecemeal development of the area.

**Devon County Education Officer** has considered the application in accordance with Devon County Council's Education Infrastructure Plan 2016-2033. Devon County Council has identified that a development up to 30 family type dwellings will generate an additional 7.5 primary pupils and 4.5 secondary pupils which would have a direct impact on the primary and secondary schools in Exeter. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested.

We have forecast that there is enough spare primary capacity to accommodate 4.74 pupils at the local primary schools and therefore we will request primary education contributions against the remaining 2.76 pupils expected to be generated from this development. The primary contribution sought would be £44,212 (based on the DfE new build rate of £16,019 per pupil), or £1,474 per dwelling. The contributions will be used towards new primary provision in Exeter.

We have forecast that there is enough spare secondary capacity to accommodate 1.04 pupils at the local secondary schools and therefore we will request secondary education contributions against the remaining 3.46 pupils expected to be generated from this development. The secondary contribution sought would be £83,943 (based on the DfE new build rate of £24,261 per pupil), or £2,798 per dwelling. The contributions will be used towards new secondary provision at South West Exeter. This new provision will release capacity at existing secondary schools across the city.

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £7,500 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development. These contributions will go towards new early year's provision in Exeter.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance - National Planning Policy Framework (February 2019)**

3. Plan making
4. Decision-making
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

### **Exeter Local Development Framework Core Strategy (Adopted 21 February 2012)**

- CP1 Spatial Strategy
- CP4 Residential Density
- CP5 Meeting Housing Needs
- CP7 Affordable Housing

- CP9 Strategic Transport Measures
- CP12 Flood Risk
- CP14 Renewable Energy
- CP15 Sustainable Construction
- CP16 Green Infrastructure
- CP17 Design and Local Distinctiveness

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

- AP1 Design and Location of Development
- AP2 Sequential Approach
- H1 Search Sequence
- H2 Location Priorities
- H5 Diversity of Housing
- LS1 Landscape Setting
- LS4 Local Nature Conservation Designation
- T1 Hierarchy of Modes
- T2 Accessibility Criteria
- T3 Encouraging Use of Sustainable Modes
- C5 Archaeology
- DG1 Objectives of Urban Design
- DG2 Energy Conservation

**Development Delivery Development Plan Document (Publication Version)**

This document represents a material consideration but has not been adopted and does not form part of the Development Plan.

- DD1 Sustainable Development
- DD13 Residential Amenity
- DD20 Sustainable Movement
- DD25 Design Principles
- DD28 Heritage Assets
- DD29 Landscape Setting Areas

*'Development within the Landscape Setting Areas will only be permitted where:*

- a) there is no harm to the distinctive characteristics and special qualities of the landscape setting of the City and the wider area; and*
- b) it does not contribute towards the urbanisation of these areas; and...'*

**Exeter City Council Supplementary Planning Documents**

- Sustainable Transport (March 2013)
- Affordable Housing
- Residential Design Guide (2010)

**OBSERVATIONS**

The proposed development is located in an area of landscape setting and of local interest for nature conservation in the Exeter Local Plan and therefore Policies LS1 and LS4 are applicable. The site is identified on the key diagram included with the Core Strategy and therefore Policy CP16 is applicable. The principle of development for housing within the Landscape Setting is contrary to the Statutory Development Plan. Policy LS1 of the Local Plan First Review states that proposals should maintain local distinctiveness and character and be reasonably necessary for the purposes of agriculture, forestry the rural economy, outdoor recreation or the provision of infrastructure. Policy CP16 of the Core Strategy protects the strategic green infrastructure identified on the key diagram in order to protect and enhance current environmental assets and local identify and to provide a framework for sustainable forms of development. The policy goes on to state that it will protect the

hills to the north and north-west of the city from development which would harm its character and local distinctiveness. Within the text of the Core Strategy it states in paragraph 4.10 to *'steering development away from the hills to the north and north west that are strategically important to the landscape setting and character of the city'* In addition the Development Delivery Document Plan Document Policy DD29 only permits development where there is *'no harm to the distinctive characteristics and special qualities of the landscape setting of the City and the wider area; and (development) does not contribute toward the urbanisation of these areas'*. In paragraph 127 of the NPPF it states that planning decisions should ensure developments are sympathetic to local character and history including the surrounding built environment and landscape setting.

The Landscape Sensitivity and Capacity Study identified the site as having a high landscape sensitivity forming a strong backcloth to the northern hillside setting of the city. The study states that the area has no capacity for housing because of its prominence, rural character and intrinsic sensitivity. The Study states that development in this location would result in harm to the character and distinctiveness of this rural area and therefore the proposal could not be supported. In addition, the site is within the Exeter Slopes and Hills designation as stated within the Devon Landscape Character Area Assessment *'...despite the proximity to Exeter this landscape has a strongly rural character...'*

It is accepted that the Council cannot currently demonstrate a five year supply of deliverable housing sites. Consequently paragraph 11 d) of the National Planning Policy Framework applies. It states that, in these circumstances, permission should be granted unless the applications of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

The site is considered contrary to Local Plan policy LS1 and Core Strategy policy CP16. Recent appeal decision has given Policy LS1 limited weight as being out of date when balanced against the need for housing. However Policy CP16 is given full weight. This Policy aims to protect the character and local distinctiveness of identified areas of landscape setting and the hills to the north of the city have been identified as playing an important role in forming an attractive green setting for the city. It is considered that the urbanisation of this site would have an adverse impact of the landscape character of the area, which has been identified as being of intrinsic value to the local and wider context of the site. Consequently given the importance the landscape of this site it does not outweigh the benefit of additional housing to meet the Council's shortfall of deliverable houses.

The site is located within an area of local interest for nature conservation and therefore Local Plan Policy LS4. Devon Wildlife Trust have raised significant doubt about the findings of the ecological assessment and conclude that the development would harm the ecological network of the area rather than making it more resilient. The proposed new access into the site would involve the removal of a substantial section hedgerow which would significantly alter character and appearance of this section of Pennsylvania Road and its biodiversity value. The scheme is therefore contrary to Policy LS4.

Notwithstanding the incomplete information identified by the highway officer concern remains over the sustainability of the site's location for residential development. The site is not currently served by a footway and there remains doubt as to whether this is indeed achievable. Consequently non-vehicular access is gained along the road up a

steep slope on a bend. It appears that the majority of travel would be by car and therefore contrary to the aims of sustainable travel.

In summary, it is considered that the development of the site for housing would have a detrimental impact on the character and appearance of the area which has been identified as important for landscape setting. In addition, the creation of the vehicular access would have a significant impact on the visual and ecological value of the site. The highway officer has highlighted concerns regarding the achievability of accessing the site other than by vehicular traffic. Whilst the positive benefits of 26 dwelling (including the 35% affordable housing) is recognised this does not outweigh the negative impact the development would create. Accordingly the application should be refused.

## **RECOMMENDATION**

**REFUSE** for the following reasons:-

1. The development is contrary to Policy LS1 of the Exeter Local Plan First Review and Policy CP16 of the Exeter Core Strategy. The development would result in harm to the character and local distinctiveness of this rural area evidenced in the Exeter Landscape Sensitivity and Capacity Study and the Devon Landscape Character Area Assessment by reason of it contributing to the urbanisation of the area and detracting from the rural green hillside setting.
2. The development is contrary to Policies LS1 & LS4 of the Exeter Local Plan First Review and CP16 of the Exeter Core Strategy. The creation of vehicular access for the site to serve the residential units in this location would result in the loss of a substantial section of hedge bank fronting onto Pennsylvania Road detrimental to the visual landscape character and appearance of the area and harmful to the biodiversity of the area located with a site of local interest for nature conservation.
3. In the absence of sufficient highway information, particularly in respect of a Road Safety Audit regarding pedestrian access to and from the site, the Local Planning Authority as advised by the Local Highway Authority is unable to confirm that the scheme meets necessary highway safety standards onto the existing highway network and therefore is contrary to Policy DG1 of the Exeter Local Plan First Review and Policy CP9 of the Exeter Core Strategy.