

# Planning Committee Report: 20/1380/OUT

<b>1.0</b>	<b>Application Number:</b>	20/1380/OUT
	<b>Applicant name:</b>	ALD Development
	<b>Proposal:</b>	Outline planning application for up to 80 dwellings and associated infrastructure (All matters reserved except for access).
	<b>Site address:</b>	Land at Redhills, Exwick Lane, Exeter.
	<b>Registration Date:</b>	19 October 2020
	<b>Link to application:</b>	<a href="http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=QIGF3DHBK1C00">http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=QIGF3DHBK1C00</a>
	<b>Case Officer:</b>	Paul Jeffrey
	<b>Ward Members:</b>	Cllr Bialyk, Cllr Pearson and Cllr Sutton (Exwick Ward)

REASON APPLICATION IS GOING TO COMMITTEE: Major application with over 10 emails/correspondence of objection.

**2.0 Summary of Recommendation:** REFUSE permission as the site lies within an area of important landscape setting.

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

- Site lies within an area of landscape as designated in the Core Strategy.
- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The development would make a positive contribution to the Council's 5 year housing land supply.
- The scheme will provide 35% affordable houses.
- Concerns about the sustainability given its location and topography of the site have been overcome by amended plans and financial contributions to highway/accessibility improvements.
- Planning assessment has concluded that the benefits of the proposed housing does not outweigh the harmful impact the development would have on the landscape character of the area.

## 4.0

## Table of key planning issues

Issue	Conclusion
Principle of development	Site lies within an area of landscape setting as allocated in the Local Plan First Review and Core Strategy where certain types of development are identified but does not include residential. Policy CP16 protects the character and local distinctiveness of areas of the city including hills to the north and northwest.
Affordable Housing	35% affordable housing forms part of the proposal and will be secured through a Section 106 Agreement. This accords with Policy CP7.
Access/Impact on Local Highways	The County Highway officer still remains concerned about the sustainability given its location and topography of the site however planning condition and a financial contribution towards footways in the areas have overcome these concerns.
Scale, design, impact on character and appearance	The submitted illustrative layout and Design & Access Statement indicate that the future development will have an adverse impact on the character of the locality.
Ecological Issues/Habitat Mitigation	Concern remains as to the loss of existing trees and hedgerows and the impact on wildlife in particular protected species however not to an extent which would warrant refusal.
Sustainable Construction and Energy Conservation	The appropriate energy performing standards to be secured through condition.
Economic benefits	Affordable housing and financial contribution towards education/GP provision, and jobs in construction related industries.
CIL/S106	CIL generated and S106 to secure relevant benefits identified above.

## 5.0 Description of Site

The application proposes outline planning permission for development on land to the east of Redhills, south of Exwick Lane. An existing footpath is located to the eastern edge of the site, which backs onto properties in Cheltenham Close. The southern boundary of the site is bounded by Newbery scrap yard on the western side; an existing mature wooded area and behind properties in St Peters Mount. The boundary with Teignbridge District Council lies approximately 150 metres to the north across open fields beyond Exwick Lane. The site (4.1 hectares) comprises of open fields currently used for horse grazing. The boundaries of the site are demarcated by existing hedgerows with some mature trees. The site undulates but in general the highest sections of the site are located along its northern edge alongside Exwick Lane sloping down towards the south adjacent to Newbery's scrap yard, the existing woodland and properties in St Peters Mount. The site sits on an east-west ridge that forms the skyline in various viewpoints in the surrounding area.

Two fields gates currently access the site from Redhills immediately north of Newbery scrap yard and along Exwick Lane, which serves storage buildings. The proposed vehicular access to the site would be from a newly constructed one onto Redhills. This would be located on the brow of the hill as Redhills drops steeply towards Exeter. Since the original submission, the applicant has included highway improvements to Redhills with the provision of a new footway. Currently there is no pedestrian footways to the site between the Redhills junction with St Peters Mount and Barley Villas, a distance of over 200 metres. This section of road is characterised by steeply banked hedgerows with mature trees. The creation of the proposed new footway would result in the remodelling of the existing bank and removal of existing mature trees.

Mature hedgerows or trees form the boundary of the site and in some instances will require removal to achieve access onto Exwick Lane and the existing footpath on the eastern boundary of the site. This existing footpath runs from Exwick Lane to the north alongside the eastern edge of the site backing onto existing properties in Cheltenham Close eventually connecting with St Peters Mount and ultimately Gloucester Road to the south. The existing footpath is very steep and unsuitable for pushchair uses or disabled accessibility.

The site is located beyond the built up urban area of Exwick to the south. To the north of the site beyond Exwick Lane are steep sloping open fields which are within Teignbridge District Council's areas. It is understood that this area has been the source of development interest but no planning permission currently exists for the development of this land and therefore remains open countryside.

## **6.0 Description of Development**

This outline planning application for residential development is for up to 80 dwellings, with all matters reserved except for access. The accompanying illustrative plan indicates that the future development would comprise of mainly semi-detached and detached properties with some small rows of terraced properties. All dwellings are proposed to be either two or two and a half storeys in height. The scheme proposes a total of 35% affordable housing. This would result in 52 market houses and 28 affordable units being provided, if the full 80 units were approved at the reserved matters stage. The illustrative layout indicates that there would be a central main road running through the site along the ridge with the sole vehicular access from Redhills. The proposed dwellings would essentially front onto this access road in most instances creating properties with either north facing or south facing gardens. The application includes the provision of two Local Areas of Play (LAP) and a Local Equipped Area for Play (LEAP) within the site. In addition, an area of open space is proposed to be located in the southern eastern corner of the site, which will also provide for a storm attenuation basin. An additional, storm attenuation basin is located on the western edge of the site.

The sole vehicular access is shown in a central location on the western side of the site onto Redhills. The amended access plan shows a 6 metre wide accessway with a 2.5m by 45 metre visibility splay. This would involve the removal of a significant section of hedgerow fronting Redhills, which is proposed to be replaced but set further back into the site. In addition, since the original submission was made a new footway is proposed along the eastern side of Redhills, which will connect the existing footway from the junction with St Peters Mount to alongside the Newbery scrap yard entrance and to the site entrance. This is achieved through the widening of Redhills on the western side. The highway changes would require the removal of the existing hedgerow bank/mature trees, remodelling of the bank and the replanting of the bank with new trees made up of oak, field maple and scots pine. The road arrangement would be altered to provide a give and take highway layout along this section of the highway.

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

The application is accompanied by the following supporting information:

- Planning Statement
- Design & Access Statement
- Illustrative Layout Plan
- Transport Statement
- Flood Risk and Drainage Strategy
- Ecological Impact Assessment
- Landscape Visual Impact Assessment (and subsequent addendum)

- Access Plan
- Land Classification Report
- Affordable Housing Statement
- Tree Survey & Arboricultural Impact Assessment (and subsequent addendum)
- Geo-Environmental Desk Study

## 8.0 Relevant Planning History

No previous applications have been made for this site.

## 9.0 List of Constraints

Within landscape setting

Majority of the site is designated as a site of local interest for nature conservation (SLINC)

Smoke Control Area

## 10.0 Consultations

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

**Teignbridge District Council** raise no comments at this time and is content for Exeter City Council to determine this application in accordance with your own professional Officer's recommendation.

**Natural England** agree with the conclusions of the revised Appropriate Assessment, that provided the appropriate financial contribution towards the South East Devon European Sites Mitigation Strategy is secured in respect of the Exe Estuary SPA/Ramsar site, there will be no adverse effect on the integrity of the European site.

**NHS Devon Clinical Commissioning Group** comment that the application has been reviewed from a primary care perspective and informed by the Devon Health Contributions Approach: GP Provision. In preparing this response, it is noted that the Exeter City Council Core Strategy Document 2012 under "Meeting the Community's Needs" states that:

*"The objectives of the Sustainable Community Strategy and other strategies and programmes can be delivered, at least in part, through developer contributions sought for social and community infrastructure, including education/skills, health, culture, sports and leisure facilities. Examples of areas where developer con.....improving access to health and social care (Exeter Sustainable Community Strategy/ Exeter Primary Care Trust Estate Strategy/Royal Devon and Exeter (NHS) Trust Building Programme);"*

The CCG's concern is that the combined surgeries of St Thomas' Health Centre and Foxhayes Surgery are already at or over capacity within their existing

footprints therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The surgeries already have 42,470 patients registered between them and this new development will increase the local population by a further 182 persons.

Taking this into account and drawing upon the document “Devon Health Contributions Approach: GP Provision document” which was agreed by NHS England and Devon County Council, this will result a request for £551 per dwelling which based on 80 units require a total contribution of £40,858 towards the mitigation of the pressures on local healthcare facility.

**Royal Devon & Exeter NHS Foundation Trust** have submitted a lengthy consultation response setting out the background and justification behind a request for a S106 financial contribution of £103,149 towards the gap in funding created by each patient from this development. Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.

*Response - The request from the Royal Devon and Exeter NHS Foundation Trust for a financial contribution to be secured through a S106 agreement is one of a number of similar requests submitted by the Trust in respect of recent residential applications under consideration by the Council. Officers have responded generically to these requests outlining why it is considered that they are not considered to meet the necessary tests relating to S106 obligations, and consequently are not being sought in connection with these developments.*

**County Head of Planning, Transportation and Environment (Highways)** comment that:-

The Highway Authority previously recommended refusal due to an absence of information in relation to:

*Justification of the vehicular trip rate and the sustainability of the site*

The applicant has provided no further evidence of the trip rates for the site. The vehicle trip generation from the site is unlikely to have a severe impact on the highway network. However, given the lack of suitable pedestrian and cycle infrastructure, further supporting infrastructure is required to enable safe and suitable pedestrian access to the site. The location on the edge of Exeter gives tendency for the development to become car dependent, particularly if access to sustainable modes of travel is not convenient.

*Vehicular Access Point*

Vehicular access to the development is to be created onto Redhills. The Highway Authority has raised concerns that this is subject to 30mph and to ensure safe & suitable access, appropriate visibility splays should be abided to. Discussions with the applicant have been made regarding this aspect and it has been indicated that

appropriate visibility splays *could* be met. Drawing No 19.124/006 shows visibility standards of (2.4 by 43m with no obstruction over 600mm) clearly annotated.

#### *Safe and suitable pedestrian and cycle infrastructure to reach the site Redhills*

The applicant has now provided further information to support the application. The applicant has proposed a new 2m footway on Redhills (Drawing No. 19.124/003), connecting the development to the existing footway on St Peters Mount and the bus stop facilities on Gloucester Road. The applicant has provided a Stage 2 Road Safety Audit of the highway proposals for Redhills which have been reviewed by the DCC Road Safety Team. The proposals are considered acceptable. The give and take layout on Redhill's appear to be quite short with good intervisibility and suitable road width. One issue which wasn't raised in the audit was the possibility of traffic waiting at the eastern give and take backing up onto the roundabout. After taking into consideration that the right-hand arm of the roundabout only services a cul-de-sac with limited traffic, the highway authority accepts this layout is acceptable in road safety.

#### *Exwick Lane*

To the east of the site, the applicant has shown a new footpath ramp connecting the site to Exwick Lane (Drawing No 19.124/006). This remains a major concern for the Highway Authority, as Exwick Lane is a narrow single-track road with no provision for pedestrians. Exwick Lane is the most direct route to Exwick Heights Primary School and providing safe access is essential. For this application to be acceptable, measures to remove through traffic on Exwick Lane are required, alongside suitable lighting from the egress of the site to Peterborough Road. A traffic free route on this section of Exwick Lane would provide safe and secure access to the primary school and onwards towards shops and services in Exwick. Improvements to Exwick Lane would also improve access to Exeter St Davids and Exeter College from the site.

#### *Eastern Footway Link connecting Exwick Lane to Gloucester Road*

To reach the bus stop on Gloucester Road, the eastern N-S footway (as shown on Drawing No.19.124/006) is the most direct route. The proposed footway on Redhills is unattractive for a large proportion of the development as it requires residents to travel up the hill to the western access to then walk back on themselves. It is also noted this route is well outside of the acceptable walking distance to a bus stop.

To promote walking and cycling and enhance the attractiveness of using onward bus connections, the development brings about the need to improve the standard of the eastern footway link. The highway authority has already raised concerns that this link is substandard in terms of its width (in part) – sections were not wide enough; it's construction (materials are not to suitable for pedestrians); its lack of street lighting and its gradient (does not meet adoptable standards – too steep to be used by all users). It is not acceptable for the development to send additional

pedestrian movements on a route which is unsuitable and outside of the applicant's boundary.

Therefore, the Highway Authority will request a contribution from the development of up to £75,000 to upgrade this footway link and provide a facility compliant with the NPPF. The Highway Authority has agreement from ECC to make these improvements and costed designs are currently being drawn up.

#### *Internal Roads and layout*

Well-designed residential streets are central to sustainable development and therefore the design of the internal road layout must accord with the principles of Manual for Streets and appropriate sustainable design guidance. To ensure permeability through the development, the highway authority will request suitable pedestrian / cycle links through the site. Provision has not been showed on the existing illustrative plans provided by the applicant.

The applicant is advised that car parking standards are set out in the Exeter City Residential Design Guide and that secure cycle parking facilities will need to be in accordance with chapter 5 of Exeter City Councils Sustainable Transport Supplementary Planning document. As an outline application these details are reserved for approval at a later stage (together with cycle parking requirements).

#### *Travel Planning*

In accordance with paragraph 111 of the NPPF the development will be required to have a Travel Plan. DCC is currently adopting an approach for residential Travel Planning in the Exeter area with contributions paid directly to the Council for them to implement the Travel Plan and its measures. Consequently, a contribution of £500 per dwelling should be secured through S106 agreement.

#### *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*

Much emphasis has been put on the accessibility of the site and the current lack of suitable and safe infrastructure for pedestrian access. Whilst a footway has been provided on Redhills, the applicant has made no provision for improvements to connect the site to the nearest school, bus stop facilities or local services in Exwick.

For this application to be acceptable, the following supporting infrastructure will be required to be incorporated into the granting of any permission.

-Creation of a traffic free route on Exwick Lane, from the point of egress of the development to Peterborough Road. Suitable lighting to be provided as part of the improvements.

-Improvements to the eastern N-S footway link to provide safe and suitable access for pedestrians: Contribution up to £75,000 required

-Contribution towards Travel Planning at £500 per dwelling, totalling £40,000 for the application.

**Devon and Cornwall Police Liaison Officer** raises no objection in relation to the scheme, based on the 'Illustrative Sketch Site Layout' but would like to make the following comments and recommendations for consideration should the application progress.

The sketch layout shows two potential issues that could increase the opportunity for crime:

-There appear to be incidences of accessible space / footpaths to the rear of residential back gardens. Such design has shown to leave plots vulnerable to trespass, burglary and damage to boundaries.

-The LEAP appears to lack surveillance opportunities. Natural surveillance should be provided from nearby dwellings and play space should not be positioned to the rear of dwellings which can increase the potential for crime and complaints arising from increased noise and nuisance.

**Devon County Education Authority** comment that a development of 80 family type dwellings will generate an additional 20.00 primary pupils and 12.00 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.

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 capacity to accommodate the number of pupils expected to be generated from this development. A contribution towards primary education will therefore not be sought against this development.

However, DCC has forecast that the secondary schools within Exeter are at capacity and therefore we will request secondary education contributions against the pupils expected to be generated from this development. The secondary contribution sought is £284,700 (based on the DfE new build rate of £23,725 per pupil). 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.

**Devon County Council Flood and Coastal Risk Management Team** have no in-principle objections to the above planning application at this stage. The Team originally raised object to this planning application because it was not considered that the development satisfactorily conformed to Policy CP12 (Flood Risk) of

Exeter City Council's Core Strategy (2012) which requires all developments to mitigate against flood risk and utilise sustainable drainage systems, where feasible and practical. However in January 2021 the agent provided additional information in relation to the surface water drainage aspects of the above planning application. The applicant has produced a feasible surface water drainage strategy in line with County's SuDS for Devon Guidance (2017). The applicant has proposed an attenuation basin to restrict flows to greenfield rates, also incorporating long term storage requirements. At the next stage, infiltration should be fully investigated via site investigation in line with the surface water management hierarchy.

**Devon County Waste Management** comments that paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. The application is not supported by any such statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage.

**Exeter Cycling Campaign** raise objection to the development considering the location of the development to be totally inappropriate. The location results in this proposed development being in breach of several local and national planning documents.

**ECC Environmental Health officer** originally commented that there was insufficient information provided to assess whether the impact on air quality acceptable. The location is difficult to access by active or sustainable travel modes. However In response to the submitted air quality report it was predicted that the change in air pollution levels as a result of the proposed development would not be significant. However the environmental health officer commented further that the development would will result in an additional 400 vehicle movements and there will be emissions from these vehicles. Consequently the developer should take steps to mitigate these matters which would need to be agreed at the reserved matters stage. No objection is therefore raised subject to satisfactory information is provided approval subject to conditions in respect of CEMP, contaminated land, noise and air pollution mitigation being submitted prior to commencement and then implemented and maintained prior to occupation.

**ECC Place Making officer** commented on the original submission states that:-  
-The site is in the Landscape Setting policy area (LS1) that covers the hills to the north and west of Exeter which provide the setting and containment of the City and the proposed development is completely contrary to it. In addition, much of the site is an integral part of a Site of Local Interest for Nature Conservation that extends to the north and west and which includes the boundary hedgerow fronting Redhills Road which would be negatively affected by the development.

- The proposal is inconsistent with the Exeter Fringes Landscape Sensitivity and Capacity Study finding that this site, as an integral part of Zone 33, has high Landscape Sensitivity and medium to low Housing Use Capacity.
- The Zone of Theoretical Visibility, the starting point for the developer's Landscape and Visual Impact Appraisal, determines the potential area where the development at 9.0m high could be seen. However, the field verified views of the site, which follow on from this, show views in the direction of the site and the boundaries of the proposed site but without indicating the height or presence of the development and cannot be regarded as representative of the visual impact.
- The Appraisal states that hedgerow trees and woodland limit views of the site. However, the photographs from the viewpoints chosen to show the boundaries of the site have been taken when the existing trees and hedges appear to be in full leaf and the report acknowledges that the potential visibility of the site would increase from certain viewpoints in winter. Comparable winter of all views following complete leaf fall would be needed to provide a complete assessment of the site.
- No views are included from 'Dukes Way', the north-south district public path linking Gloucester Road and Exwick Lane (an approximately 11.0m wide corridor of land owned and maintained by Exeter City Council) despite its route along the eastern boundary of the site (included in the illustrative sketch layout) and the Appraisal finding that the footpath has high visual value.
- The ridge-like land form and the height difference between the central part of the site and the varying levels of Exwick Lane makes it questionable whether three photographic views (Nos. 13, 14 & 15) would be sufficient to assess the visual impact of the proposed height of the development.
- Views 9 and 10 suggest that the addition of 9.0m high development would have a significant impact on the skyline that would adversely affect landscape character as viewed from the north of the site.
- Views 19 and 20 from the south which are closer to the site strongly hints that skyline development could result which would detrimentally affect the area and nullify the function of this part of the Landscape Setting area.
- Views 16 and 17 indicate the substantial visual presence of the existing hedgerow fronting the site much of which would be removed for the proposed vehicle access whilst opening up views of the intended development and resulting in a substantially detrimental effect on the rural character of Redhills Road in this locality

*Further comments have been made in response to additional information received (March 2021)*

The additional winter views and wirelines particularly the southern views 19 and 20 confirm that the proposed development would result in skyline development (as acknowledged in the LVIA addendum) the detrimental effect of which on the area and the function of the Landscape Setting in this locality would be unacceptable. The extent and scale of tree planting that would be needed to screen the proposed development would have a significant impact on the character and usability of the open space and the adjoining rear gardens of the proposed dwellings. The length of time required for tree planting to achieve sufficient height and density would further substantially undermine such an approach to potential mitigation.

No wireline views from Duke Way are provided which might otherwise further illustrate the adverse impact of development of this site.

The effect of the removal of the group of trees and the extent and nature of the additional highway works on Redhills cannot be compared with the suggested need to coppice the existing trees. In any event there is no certainty that the suggested replacement planting would be maintained better than at present or to maturity.

The cumulative effect of the proposed site access and the road widening will greatly increase the adverse impact on the rural character of Redhills Road in this locality.

**Councils Arboriculture officer's** commented on the original submission stating that there are no objections to the proposed access and internal road layout. However while it is understood the block plan is indicative, the block plan shows several units that have an unsatisfactory spatial relationship between units and adjacent trees. The applicant is encourage to produce a tree constraints plan, preferably agreed with the Council's Arboricultural Officer, the plan should then be used to assist and guide the design process. Owing to the number and quality of trees on and adjacent to the site it will be challenging to achieve the number of units shown on the indicative plan.

Following the submission of further information further comments were made (March 2021):-

-Further to my previous comments dated 12<sup>th</sup> December 2020, plans have been submitted to widen the existing carriageway to the south west of the site (drawing: *S278 Highways Works Pedestrian Links / Improvements*). It is noted that the proposed widening is outside of the application red line. Any application to develop the site, should include the necessary highways works, as access to and from the site will undoubtedly have an impact on whether or not the application is successful.

-The proposed widening of the carriageway as indicated by the above drawing, would involve the unacceptable loss of significant semi-mature to mature trees. Owing to the above, there is an arboriculture objection to the proposal (see *Tree Constraints Plan ref: 200101-TCP-2-01.2021*).

-The proposal is supported by a New Tree Planting Plan (*New Tree Planting Plan ref: 200101-NTP-01.2021*). If the decision is taken to approve the proposal, then it is recommended that the tree planting plan includes significantly more trees. This would need to consist of larger container grown stock and whips to create a linear woodland, rather than a single row of trees.

Comments received April 2021

There are no Arboricultural objections to the general site layout, as outlined in the *Tree Impact Assessment Plan ref: 200101-TIAP-RevA-01.2021*.

The proposed widening of the carriageway, as indicated by the *Tree Constraints Plan ref: 200101-TCP-2-01.2021*) would involve the unacceptable loss of significant semi-mature, to mature trees. Although it is accepted that the applicant has provided a new planting scheme ref: *New Tree Planting Plan ref: 200101-NTP-02.2021*, it would take a considerable amount of time before the newly planted trees become established and offsets the loss of the existing hedgerow trees.

Owing to the above, there is an arboriculture objection to the proposal. The woodland to the South of the proposed development, is predominately composed of mixed broadleaf deciduous species, with a smaller coniferous element along the perimeter of the scrap yard on the West. Ash is a major component of the woodland cover and with the estimated loss of 90% of Devon's Ash trees over the coming years, as a result of Ash dieback, there is likely to be a short term loss of screening. Ultimately, the woodland is expected to regenerate, whether this is by means of planting, or natural regeneration. However, there will be a period of time before canopy cover is fully restored.

**ECC Service Manager Public and Green Spaces** raised no objection to the proposal in terms of informal play provision. The illustrative layout provides sufficient access to Local Areas for Play (LAPs) in accordance with Fields in Trust Guidance, with all new dwellings falling within 100 metres of an appropriately sized open space suitable for informal play. A LEAP is proposed within the larger open space, and this is located within 400 metres of all proposed dwellings in accordance with guidance.

The scale of the proposed development does not require a NEAP (Neighbourhood Equipped Area of Play) to be provided on site, however the Fields in Trust Guidance recommends that areas of over 200 dwellings should have access to a NEAP (Neighbourhood Equipped Area of Play) within 1000m of dwellings to provide play opportunities for age ranges up to young teenagers.

There are no local play areas within 1km which could be classified as a NEAP, and the only available, appropriate site within 1km of the development which has capacity to provide a NEAP is Cemetery Fields. Given the local deficiency in play for the junior age group, we would expect the proposed development to either provide a NEAP on site (integrated with the proposed LEAP), or to make a pre-occupation contribution towards the off-site provision of a NEAP at Cemetery Fields.

It is noted that a footway is proposed along Redhills, where there is currently no pedestrian footway. We support the intent to improve active travel modes to and from the site, as this will help residents safely access off-site play facilities such as NEAPs (if not provided on site) and outdoor sports / playing fields. This is primarily the remit of the highways officer so would rely on their comments, but from an environmental and cost perspective we wonder whether the applicant might consider alternative access options such as modal filters on Exwick Lane to create a traffic-free route for pedestrians and cyclists between the site and Peterborough Road. In addition to providing safe access to / from off-site play facilities, it would provide a safe traffic-free route to Exwick Heights Primary School, reduces exposure to vehicle-generated air pollution and would avoid the disruption and habitat damage associated with construction of the Redhills widening scheme. Provision of a modal filter would also be substantially cheaper than the proposed highway works.

Residents of the eastern side of the new development are likely to want a more convenient walking route to off-site facilities than the proposed footway from entrance, so we support the retention of walking connections to the south and east. However, for these routes to be used by families this route will need to be attractive and feel safe for users. In its current form, the footpath is confined with little overlooking and in winter would be very dark in the times that residents would be expected to use play areas (i.e. after school). We therefore expect the applicant to include the provision of street lighting for the footpaths through the proposed south-east POS and connecting to St Peters Mount to maximise the potential for this route to be used all-year round.

In terms of recommended conditions for Reserved Matters, we would expect the following to be incorporated into the final conditions:

- Landscape Plan, Lighting Plan and details of the proposed equipped play areas to be submitted and approved prior to commencement
- Equipped Play area to be delivered prior to first occupation of any dwelling

**RSPB** comment that the compensation measures recommended by the Developer's ecologists are of concern that the *bird boxes will be provided at an average rate of one box per two units. Some will be tree mounted on suitable retained trees. New foraging and nesting opportunities created as part of site wide landscaping/planting scheme* does not comply with the Biodiversity Requirements of your Residential Design Guide which specifies one integral bird

box per residential unit which is increasingly accepted as a criterion of good practice.

It is recommended that using boxes designed for swifts as they will be used by most species that nest/roost in the cavities found in older properties and mature trees, see first attachment. It is recommended that a Landscape and Environmental Management Plan including details and locations of bird boxes is made a condition of the consent.

## **11.0 Representations**

101 objection emails/letters received as part of the original consultation. Issues raised:

1. Impact on landscape character contrary to local plan policy;
2. Detrimental impact on the skyline/highly visible;
3. Loss of valuable open/green space
4. Overdevelopment of the site;
5. Potential development in Teignbridge will adversely affect the rural character of the area;
6. Lead to the unacceptable merging of Nadderwater and Exwick;
7. Already sufficient development in the Exwick area as a result of approvals for the former school sites;
8. Need to look at developing brownfield rather than greenfield sites;
9. Loss of wildlife habitat/corridors;
10. Adverse impact on wildlife including foxes, badgers, squirrels, hedgehogs, deer, polecats, moths etc
11. Increased light pollution from within the site will affect wildlife, particularly bats;
12. Lack of regard for protected species such as dormice and slow worms/inaccurate survey results submitted;
13. Loss of trees and hedgerow;
14. Detrimental impact of biodiversity of the area;
15. Adverse effect of light pollution on the skyline
16. Increased noise and traffic along Exwick Lane an existing quiet road mainly used by walkers;
17. Precedent for future housing development in the area particularly within the Teignbridge area;
18. Inaccurate information contained within the submitted application including housing numbers and refer to bus and cycle routes;
19. Lack of public transport serving the site;
20. Add to existing traffic congestion in the area;
21. Insufficient parking to be provided on site;
22. Need to close Exwick Lane as part of the development for it to be acceptable;
23. Existing road infrastructure incapable of accommodating increased dwelling numbers for the area;

24. Danger to pedestrians along Redhills due to lack of footway/unlit road/footways;
25. Existing roads are narrow, visibility poor on the top of a hill leading unsuitable and potential dangerous vehicular access;
26. Increased traffic along Barley Lane creating a rat run;
27. Difficulties for emergency vehicles accessing the site;
28. Increase noise and air pollution from greater traffic in the area;
29. Poor pedestrian access to local shops and services exacerbated by the steep slope serving the site;
30. Concern over drainage and flooding potential particularly from the attenuation basins to properties in St Peters Mount;
31. Problems associated with dealing with foul water drainage due to topography of site;
32. Inadequate public transport serving the site;
33. Lack of capacity at nearby schools and GP surgeries;
34. Extra distance to access these facilities a concern due to lack of sufficient provision;
35. Steepness of the site will disadvantage pushchair/wheelchair users;
36. Loss of landscape and open space necessary for physical and mental well-being;
37. Development will add to the already poor air quality in the area;
38. Overlooking and loss of privacy to neighbouring properties;
39. Noise, disturbance and traffic disruption during construction work.

Whitestone Parish Council raised objection stating that:

1. Loss of mature trees and hedgerow contrary to the development plan;
2. Inaccurate information contained within the submission in respect of highway and public transport matters;
3. Brownfield sites should be developed over greenfield ones;
4. Threat of flooding to existing properties in St Peters Mount and surrounding area;
5. No consideration given to the detrimental visual impact of the development on Whitestone;
6. Unsafe pedestrian access to and from the site;
7. Steep gradient will prevent pedestrians and cyclists accessing the site;
8. Construction vehicles will put additional pressure on unsuitable road network;
9. Access to schools would be too far to access by pedestrians;
10. Pressure on existing medical services;
11. Impact of light pollution on wildlife in the area given the current lack of streetlighting;
12. The development is not a sustainable site.

6 letters of support for the original scheme. Issues raised:

1. Well-designed development, sympathetic and in keeping with the area;
2. Need for people to have somewhere to live;
3. Provides sufficient open space within the site for good quality accommodation;

4. Streets and footways will eventually be lit, notwithstanding objectors' comments;
5. Good alternative to the overdevelopment occurring in Pinhoe and the east of Exeter.

### **Comments/Objections/Support following re-consultation in March 2021.**

180 objections received following re-consultation. Issues raised:

1. Revised scheme does not alter the objections previously raised and therefore previous comments reiterated;
2. Revisions by the developer do not change the unacceptable nature of the scheme;
3. Scheme still affects the skyline;
4. Not a strategic housing site and therefore should not be built on;
5. Already potential housing to be developed at Atwells Farm;
6. Loss of hedgerow to Redhills and Exwick Lane;
7. Changes to Redhills road layout will lead to Barley Lane becoming a rat-run;
8. Traffic congestion during school times in particular;
9. Remain concerned about the traffic generation;
10. Increased incidents of accidents;
11. Detrimental impact to Exwick Lane;
12. Damage to Barley Valley nature reserve;
13. Impact on Wildlife and biodiversity;
14. Enough development in the area given recent approvals for the former Exwick school sites;
15. Concerns about flooding as existing land provides natural storage for water;
16. Risk to horses and riders;
17. Not a suitable site due to pedestrian access via steep slope;
18. Existing open space important for well-being and mental health;
19. Impact of light pollution on surrounding wildlife habitat;
20. Need to follow Liveable Exeter's vision and build on brownfield sites;
21. Pressure on existing local schools and GP practices;
22. Proposed creation of wildlife areas no substitute for existing habitat;
23. Hill top should be planted with trees to prevent water runoff;
24. Out of town location will inevitably add to vehicular trips and ultimately lead to greater air pollution;
25. Impact of the development needs to consider roads beyond the immediate site boundary, in particular the narrow section down to Nadderwater;
26. Concern regarding the creation of bottlenecks and rat runs on existing unsuitable roads;
27. Due to narrowness of surrounding roads they offer poor options for pedestrians accessing local amenities as described in the supporting information;
28. Most journeys from the site will be by car;
29. Proposed stop/go traffic management on Redhills unworkable;
30. Concern about the impact of the development on dormice;

31. Drainage proposals are located at the wrong end of the site and will not mitigate the flooding in Exwick Lane which occurs on an annual basis;
32. Widening of Redhills will not ease the existing problems of traffic flow congestion which already existing in the area and will be exacerbated by this development;
33. Proposal contradicts Council's declaration of a Climate emergency in 2019;
34. Traffic issues have not been addressed since the previous application and there needs to be significant improvements to the whole road network on this side of the city;
35. Concern about the accessibility to local sporting facilities particularly for children;
36. Information submitted regarding access to local facilities is inaccurate and out of date;
37. There is already problem for children getting into local schools;
38. Development would be better if a high rise approach was followed to allow the retention of greater open space;
39. Ecological impact particularly to ancient trees, established badger set and bats;
40. Access to the site poorly lit and will lead to accidents.

96 objections using the same standard letter, which raised the followings issues:

1. Development would have an adverse impact on the landscape character of the area;
2. Public transport infrastructure is inadequate which would lead to increased car use;
3. Proposed road/traffic management will hinder traffic flow in the area;
4. Wildlife and their habitat would be affected;
5. Existing area important for local people's health and wellbeing;
6. Contrary to ECC's previous stance regarding development in nearby Teignbridge district;
7. Need to follow the Council's Exeter Vision 2040 approach.

96 emails/letters of support following re-consultation in March 2021. Issues raised:

1. Need for new housing in the city, particularly affordable one;
2. Revised scheme an improvement on the original and should be approved without delay;
3. New footway will helpful pedestrian safety in the area;
4. Housing well designed/set out and will not affect the skyline;
5. Objectors comments are misinformed and inaccurate particular in reference to Teignbridge development and loss of hedgerow along Exwick Lane;
6. Not overdevelopment as claimed by objectors, scheme will continue to provide sufficient open/green space;

7. Scheme will provide much needed revenue for the Council;
8. Site has good communications links and is close to the city;
9. Displaced wildlife will migrate to neighbouring fields;
10. Public access across the site will improve;
11. Schools/GPs will be able to cope with additional demand through financial payment.

3 emails/letters of comment following re-consultation. Issues raised:-

1. Potential noise from increased traffic;
2. Traffic safety issues particularly for children;
3. Need for dedicated cycle/walking routes;
4. Open space within the site needs to be maintained;
5. Wildlife mitigation needs to be conditioned;
6. Exwick needs the investment for infrastructure and facilities;
7. Need to ensure the scheme does not compromise the lanes and safe access of horses used by local riders/groups – consideration should be given to safe riding routes around the perimeter of the site.

The total number of comments received over the two consultations was 378 objections; 102 support and 3 comments, although it is clear that particular for objections this represent some residents response twice.

## **12.0 Relevant Policies**

### **National Planning Policy and Guidance**

National Planning Policy Framework (NPPF) (February 2019)

2. Achieving sustainable design
3. Plan making
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

### **Planning Practice Guidance**

**National Design Guide (October 2019)**

### **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  
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)**

AP1 – Design and Location of Development  
AP2 – Sequential Approach  
H1 – Search Sequence  
H2 – Location Priorities  
H3 – Housing Sites  
H5 – Diversity of Housing  
H6 - Affordable Housing  
H7 – Housing for Disabled People  
T1 – Hierarchy of Modes  
T2 – Accessibility Criteria  
T3 – Encouraging Use of Sustainable Modes  
T5 – Cycle Route Network  
T10 – Car Parking Standards  
C5 – Archaeology  
LS4 – Nature Conservation  
EN2 – Contaminated Land  
EN3 – Air and Water Quality  
EN4 – Flood Risk  
EN5 – Noise  
EN6 – Renewable Energy  
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**

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

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

DD1 – Sustainable Development

DD9 – Accessible, Adaptable and Wheelchair User Dwellings

DD13 – Residential Amenity

DD20 – Accessibility and Sustainable Movement

DD21 – Parking

DD22 – Open Space, Allotments, and Sport and Recreation Provision

DD25 – Design Principles

DD26 – Designing out Crime

DD28 – Conserving and Managing 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...'*

DD30 – Green Infrastructure

DD31 – Biodiversity

DD33 – Flood Risk

DD34 – Pollution and Contaminated Land

### **Exeter City Council Supplementary Planning Documents**

Affordable Housing SPD (April 2014)

Archaeology and Development SPD (Nov 2004)

Sustainable Transport SPD (March 2013)

Planning Obligations SPD (April 2014)

Public Open Space SPD (Sept 2005)

Residential Design Guide SPD (Sept 2010)

Trees and Development SPD (Sept 2009)

### **Other documents**

Net-Zero Exeter 2030 Plan July 2020 to inform all policy documents, plans and corporate decision making in response to the Climate Emergency and in pursuance of the goal to make Exeter a carbon neutral city by 2030

## **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 accessible via the Council's website.

It is acknowledged that there are certain individual properties where there may be some adverse impact and this will need to be mitigated as recommended through imposing conditions to ensure that there is no undue impact on the home and family life for occupiers. However, any interference with the right to a private and family life and home arising from the scheme as result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the overall benefits of the scheme in the provision of homes, including affordable housing and economic benefits.

Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land.

This Recommendation is based on consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## 14.0

### **Public Sector Equalities Duty**

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

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

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

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

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

## 15.0 **Financial benefits**

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 on 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

Affordable housing contribution of 35%; (28 units)

GP contributions £512 per dwelling; (£40,858 based on 80 units)

Educational contribution £284,700 towards secondary schools (based on 80 units).

Financial contribution towards the off-site provision of a NEAP at Cemetery Fields (to be agreed)

Improvements to the eastern N-S footway link to provide safe and suitable access for pedestrians: Contribution up to £75,000 required

-Contribution towards Travel Planning at £500 per dwelling, totalling £40,000 for the application.

### Non material considerations

CIL contributions - This proposal is CIL liable. The rate at which CIL is charged for this development is £118.93 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.

## 16.0 **Planning Assessment**

The key issues are:

1. Policy background
2. Planning balance
3. Development benefits

3. Landscape assessment and impact
4. Access and transport issues
5. Ecological issues
6. Habitat Mitigation
7. Education/GP provision
8. Flooding
9. Public Opinion

### **Policy Background**

The proposed development for up to 80 dwellings falls outside the urban boundary, as identified in the Development Delivery DPD and is located in an area of landscape setting and of local interest for nature conservation in the Exeter Local Plan, Policies LS1 and LS4 are therefore applicable. The site is identified within an area designated as landscape setting on the key diagram included in the Core Strategy and therefore Policy CP16 is applicable. The principle of development for housing within an area of Landscape Setting is contrary to the statutory development plan. Policy LS1 of the Local Plan First Review states that proposals in these areas 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 seeks to protect the strategic green infrastructure identified on the key diagram in order to protect and enhance current environmental assets and to provide a framework for sustainable forms of development. Within the text of the Core Strategy it states in paragraph 10.35 that '*...several areas of open land, designated as 'Landscape Setting' to be protected from development because of their intrinsic merit and their contribution to the distinctive landscape quality of the city...*' Both Local Plan Policy LS1 and Core Strategy Policy CP16 seeks to resist development which would harm the local distinctiveness and character in an area designated as landscaping setting of which residential development represents an inappropriate form of development.

The area is identified in the Appraisal of Landscape Policy areas (1997) which states that '*the most important view of the area is that of the ridgeline between Luggs Farm and the back of Cheltenham Close which is visible from much of the city, especially on the east side of the river, it is also visible from the road approaches along Redhills and Barley Lane and from the Exwick 'Farm Hill' and Kinnerton Way developments, looking south at the northern flanks of the area....*' The evaluation of the site states that '*the ridgeline forms an important element on the green setting of Exeter. The area as approached from Redhills is important as the rural 'back-door' exit from that side of the City: the tree lined hedgerows, protected by Tree Preservation Order, form the backdrop for much of the Foxhayes and Fairhazel estate and the area acts as an attractive rural boundary to the high density development around Kinnerton Way and Farm Hill...*'

The Exeter Fringe Landscape Sensitivity and Capacity Study (2007) identified the site as having a high landscape sensitivity with steep sloping ridge with strong tree cover which acts as a setting and backcloth to the settlement. The study states that the area has very limited capacity for housing limited to the northern lowest slopes (which in terms of this study area was adjacent to Kinnerton Way) as it is too prominent in all other areas.

### **Planning balance**

Members will be aware that the Council cannot currently demonstrate a five year supply of deliverable housing site. Consequently paragraph 11 d) of the National Planning Policy Framework applies. It states that, in these circumstances, permission for residential development should be granted unless there are of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. A further consequence of a lack of a 5 year housing supply is that the relevant Local Plan policy LS1 has been given limited weight by Inspectors at recent appeal decisions relating to residential schemes within areas of landscape setting. This is due to the policy being out of date, effectively seeking to limit development to the existing urban area rather than providing sufficient site specific landscape assessment, which ensures that the character of the area is maintained. However Inspectors have given full planning weight to Core Strategy policy CP16 which seeks to protect and enhance the character and local distinctiveness of areas identified within the key diagram (within which this site is located). As evident from the appeal decision at the Home Farm decision, the Inspector considered that the objective of Policy CP16 does not seek to prevent all development within the areas shown on the key diagram, as it needs to be balanced against the needs to bring forward deliverable housing sites. In summary, the impact of the development on the landscape character of the site in this particular instance needs to be balanced against the need for housing to meet the five year housing supply.

It is relevant to note that the Council has recently updated its five year land supply calculation and as of March 2021, the Council is able to demonstrate a housing supply of just under four years and three months as opposed to 2 years and 1 month, which was the previously calculated figure. This in part reflects the number of new houses that have been consented or granted resolution to approve and helps to demonstrate the Council's pro-growth agenda including Liveable Exeter's proposals for up to 12,000 homes within the city and the Council's support of sustainable development. However at this current time it is accepted that the Authority does not have a 5 year land supply, but not the '*serious shortfall*' as stated by the Inspector at the Home Farm appeal. Nevertheless the '*tilted balance*' must still be applied when it comes to determining planning applications, which states the presumption in favour of approving sustainable development unless protected areas or assets of particular importance provide a clear reason for refusing the application.

### **Development benefits**

It is clear that the impact of 80 dwellings and associated infrastructure will result in a significant change to the landscape character of this site. However given the Council's current lack of a 5 year housing and advice contained within the NPPF the benefits of additional housing for the city represents an important consideration in the planning balance. The proposal for up to 80 dwellings, which if this number was ultimately achieved, would result in the provision of 28 affordable homes on the site; a policy compliant level of 35% in accordance with Core Strategy Policy CP7. In addition, it is clear that the applicant has sought to improve the scheme wherever possible to address the comments raised by residents and in response to consultee responses. In particular, the previous recommendation of refusal as indicated by the County highway officer is now an approval on highway grounds subject to conditions or legal agreement, which will be set out later in this report. Internal changes have also been made to improve the public open space layout and provision of play equipment following comments raised by the Council's service manager public and green spaces. In addition to the physical changes to the layout as proposed, which could be safeguarded via planning conditions, the applicant has confirmed contributions towards highway improvement to footpaths and green travel; education in respect of secondary school provision and GP provision for the area. The scheme would also result in a CIL payment at a rate of £118.93 per square metre for all the non-affordable units.

### **Landscape assessment and impact**

Previous appeal decisions have made clear that a landscape designation within the development plan cannot be relied upon to resist development given the limited weight attached to Local Plan Policy LS1, as a result of a lack of a 5 year housing supply. Consequently it is necessary to consider the context within which the application site is located and the importance of its landscape character. The applicant has provided an illustrative sketch layout, which indicates how the planting within the site could help to mitigate the impact of the development on the surrounding area. This includes the replacement of the hedgerow which would be lost to create the vehicular access onto Redhills; the provision of additional trees to the eastern side of the site; trees planted within the site to the north of the proposed area of public open space in addition to further onsite and boundary tree and hedge planting. This illustrative plan indicates how the layout seeks to limit development in the most visually sensitive areas of the site, notably the western boundary and the south eastern section of the site. Whilst it should be noted that this is an outline application and therefore the siting of the housings is not fixed, it does indicate the applicant's approach to the integration of the development into the site.

Notwithstanding the applicant's supporting information the scheme for 80 dwellings will have a significant impact on the landscape character of the area. As accepted by the applicant's own landscape appraisal the housing will be highly visible from a number of important viewpoints. Whilst accepting that

housing will not be visible from all viewpoints, this is understandable given the topography of the area in this location and the character of the surrounding area. It is considered that the approach into the City is particularly important in defining the changing character of the area from the more rural Whitestone and Nadderwater into the urban setting of the city of Exeter. Whilst it is accepted that long established properties exist onto the approach into Exeter, notably on the south western side of Redhills including Barley Villas opposite the proposed access into the site they are more reflective of a rural settlement rather than the urbanised layout proposed for this development. When approaching the city along Redhills it is considered that notwithstanding the area set aside for the storm attenuation of the site at the corner with Exwick Lane, the topography of the site and removal of the existing mature hedge required to achieve the new vehicular access will appear as a significant adverse change to the visual character and appearance and detrimental to strong rural identity it currently possesses. The existing woodland area seen from this approach into the city provides a strong and natural boundary, which separates the rural and urban setting of the city.

The impact of the development on the landscape quality of the area will also be experienced through the creation of a new footway and new road layout, which is needed for this scheme to be acceptable in highway terms. The approach to the site along Redhills currently offers no footway and although footfall along this section of road is low given the lack of properties immediately to the north west of the city, this would not be the case with the scale of development proposed. The new footway is therefore considered essential for highway safety and its construction will result in the loss of a significant section of mature trees and hedgerow on the western side of Redhills immediately to the north of Luggs Farm. Whilst it is accepted that this group of trees predominately ash will either die back or need managing in the future, there is no justification for their removal in this location. The Council's tree manager has also raised objection to their removal. Given the topography of this bank and the field beyond, the relocation and re-establishment of a new hedgerow bank will result in significant remodelling, which currently has a distinctly rural and countryside character along this section of Redhills road. The impact of the trees removal would be visible not only along this road but from Barley Lane. The overall impact would be detrimental to the existing character of the area and contrary to the objection of the landscape setting policies.

The impact of the development would also be clearly evident from Redhills and Lichgate Road. A significant part of the development site is clearly visible from this vantage point and provides a good example of the purpose for landscape setting policy, which aims to provide a green backdrop to the existing housing located at a lower level. This green space emphasises the characteristic sloping nature of the outskirts of Exeter and whilst the development in this area is relatively dense and urban in form, the green field helps to integrate the urban and rural area which is considered to be valued and important. It is noted that the

applicant has sought to provide the public open space within the lower section of the eastern of the site but it is clear that the proposed housing beyond will break the skyline in this location.

The purpose of the landscape setting designation in both the Local Plan and Core Strategy is to retain the distinctive quality for the city as a whole and therefore it is necessary to consider the impact of the site from longer distance views. The applicant's visual and landscape appraisals does provide a series of views of the site and assessment of the development's impact. It is not disputed that due to the presence of existing vegetation, not least the woodland to the south this will help to mitigate the appearance of some of the site. However to use the applicant's own assessment in the longevity of the hedgerow alongside Redhills, which is indicated for removal for the required highway improvement works, this area contains a high proportion of ash trees. As confirmed by the Council's tree manager these areas will ultimately require management but will evidently result in a lower level of screening than currently exists. It is considered that this area of woodland is important as part of the overall landscape character of the area and does not provide justification for the site being suitable for development. The site's impact from a longer viewpoint is from the north and given the proposed linear nature of the site layout, a more substantial depth of planting is not possible. These viewpoints from the Farm Hill area indicate that the development will extend over a significant distance (approx.400 metres) and the topography of this ridgeline area will limit the potential for significant screening. Whilst some additional tree and hedge planting is proposed to the rear gardens of the proposed properties and to the south of Exwick Lane it is accepted in the applicant's own appraisal that the built form of the development will be visible on the ridgeline through existing tree over from Barley Villas on Redhills to Cheltenham Close (as these properties are visible from Farm Hill).

More limited additional planting is proposed within the internal layout of the scheme and consequently it is considered the resultant development will appear highly visible which is heightened to a certain extent by the stepped nature of the site. Notwithstanding the applicants attempts to integrate the development within the area through additional planting it is inevitable that development will have a significant impact on the character of the area.

The Council place making/landscape officer has raised objection to the scheme stating that the proposed development would result in a skyline development (as acknowledged by the applicant's own landscape and visual impact assessment) having a detrimental impact of the area and its function as an area of landscape setting in this locality. Further comment is made in that the extent and scale of tree planting that would be needed to screen the proposed development would have a significant impact on the character and usability of the open space and the adjoining rear gardens of the proposed dwellings. The length of time required for tree planting to achieve sufficient height and density would further undermine such an approach to potential mitigation.

In addition, the effect of the removal of the group of trees and the extent and nature of the additional highway works on Redhills Road cannot be compared with the suggested need to coppice the existing trees. In any event there is no certainty that the suggested replacement planting would be maintained better than at present or to maturity. The cumulative effect of the proposed site access and the road widening will greatly increase the adverse impact on the rural character of Redhills in this locality.

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 and valuable for landscape setting for the city. The NPPF recognises that planning decisions should ensure that development '*...are sympathetic to local character and history including the surrounding built and landscape setting...*' (para 127c) and decisions '*...should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes...*' (para 170). Accordingly, it's considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the NPPF (2019) taken as a whole.

### **Access and Transport Issues**

The originally submitted application raised significant highway concerns, which lead to the applicant revising the plan principally with the provision of a new footway and highway arrangement along Redhills. These amended drawings resulted in the need for re-consultation. In particular the highway officer previously raised concern about the proposed visibility splays to ensure that safe and suitable access could be created onto Redhills. Amended plans were submitted which confirm that the visibility standards of 2.4 metre by 43 metres could be achieved, although as previously stated this would be at the expense of the existing mature hedgerow bank. In addition an important change in respect of sustainability and pedestrian safety was the creation of the new footway. The amended plans indicate that the existing tree and hedgebank on the western side of Redhills will be removed (and replacement planting proposed) to enable the road to be widened to create a new footway along the eastern side and a new give and take road arrangement introduced along a section of this road. These revised plans have been assessed by the County's road safety audit team and considered to be acceptable.

The provision of the footway represents an important improvement to the scheme from previously submitted, as it provides safe pedestrian access from the western section of the site and would be welcomed in highway terms for the area as a whole. However the highway officer still remains concerned about the lack of suitable and safe infrastructure for pedestrian access serving the site. Whilst acknowledging the new Redhills footway, no provision for improvements to connect the site to the nearest school, bus stops or local service in Exwick were proposed. The highway officer has therefore requested that improvements to

Exwick Lane and the existing footway link connecting Exwick Lane and Gloucester Road be improved, in addition to a financial contribution towards travel planning for each future household.

The highway officer has stated that for the scheme to be acceptable, measures to remove through traffic on Exwick Lane would be required in addition to suitable lighting from the egress of the site to Peterborough Road. A traffic free route on this section of Exwick Lane would provide safe and secure access to the primary school and onwards towards shops and services in Exwick and improve access to Exeter St Davids and Exeter College. If approved, these measure could be secured by planning condition.

In addition, the highway officer has highlighted that to promote walking and cycling and enhance the attractiveness of using local bus connections, the scheme would need to improve the standard of the existing footway alongside the eastern boundary of the site. The highway authority has previously raised concerns about the substandard nature of this link in terms widths, material, gradient and lack of street lighting. Accordingly the highway officer has requested that a financial contribution of £75,000 is made to upgrade this link to improvement pedestrian usage. If approved, this contribution could be secured by way of a Section 106 agreement.

To further reduced the reliance on private car usage and promote sustainability the scheme is required to have a travel plan. The highway officer has therefore request that a financial contribution is paid to the County Council for them to implement the travel plan and its measures. If approved, the contribution of £500 per dwelling could be secured by way of a Section 106 agreement.

In summary, the highway officer has concluded that subject to the various highway improvement measures, primarily to improve accessibility of the site in means other than private vehicles, the scheme is acceptable in highway terms. The applicant has confirmed their agreement to the requests made and has also indicated that they are seeking to establish a car club from the site, which would be welcomed.

### **Ecological Issues**

Given the proposed change of use for the land from grassland to residential development it is inevitable that the landscape and ecological character of the area will irreversibly change. The application have been accompanied by an updated Ecological Impact Assessment (February 2021) which describes the site as semi-improved grassland field used for horse grazing, bordered and intersected with a number of rich and species poor hedgerows with associated trees. The site was found to have evidence of a range of protected and notable species, including breeding bird, dormice, invertebrates, reptiles, amphibians and commuting/foraging bats. The report states that the development will result in the loss of approximately 2.8ha of semi-improved grassland and approximately 200 metres of hedgerows.

The need for the protection of endangered species is the responsibility of the local planning authority under the habitats directive and the presence of a protected species represents a material consideration. In this respect the ecological assessment states that specific surveys for dormice and bats were undertaken in addition to a Phase I Habitat Survey and a Biodiversity Net Gain Assessment including mitigation measures where appropriate. The ecologist's report concludes that the development has the potential to impact on a variety of protected species including dormouse, bats, breeding birds, invertebrate, badger, reptiles and amphibians. These impacts will be as a result of direct habitat losses or indirect impacts caused by disturbance factoring during construction and upon occupation. The report states that suitable avoidance and mitigation measures have been incorporated into the design to minimise adverse impact on protected species and in particular a dormouse mitigation licence will be secured prior to the commencement of work. The report states development will result in a net gain in terms of biodiversity habitat and an approximately 19% increase of hedgerows with the planting of 350 metres of hedgerow to compensate for the 200 metres to be removed.

If permission is forthcoming it is considered that the imposition of a condition requiring the submission of a Biodiversity Mitigation and Enhancement Plan prior to commencement on site will address the requirements of the submitted report in respect of protected species and habitat management. It is anticipated that the important trees and hedgerow along the boundaries of the site should be retained and supplemented where appropriate and would be looked at in more detail at the reserved matters stage.

The site is located within an area of local interest for nature conservation and therefore Local Plan Policy LS4 applies. This policy states that development 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*'. It is undeniable that the development of this site for 80 dwellings will have an irreversible impact on the existing wildlife and habitat of the site. In particular, 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 Redhills opposite Barley Villas and its biodiversity value which will take time to re-establish. However given the conclusion of the report, it is considered that the applicant has fully investigated the requirements of the site in respect of habitat preservation and creation. Accordingly whilst the removal of existing mature hedgerow to form the new vehicular access; loss of trees to create highway improvements along Redhills in addition to loss of vegetation within the site and to the boundary will have an adverse impact on the character of the landscape, given the conclusions of the ecological report it is considered that a refusal in respect of Policy LS4 is, on balance, unwarranted.

### **Habitat Mitigation**

The Council has undertaken an Appropriate Assessment for the site which concludes that, whilst the development has the potential to have a significant effect on the European Sites, and an adverse impact on the achievement of the conservation objectives for the sites, the impacts of the development can be mitigated through receipts from Community Infrastructure Levy to contribute towards the implementation of measure in the South East Devon European Site Mitigation Strategy, which are designed to avoid and mitigate the adverse impacts of increased visitor pressure brought about through population growth. This approach is accepted by Natural England.

### **Education/GP provision**

Devon County Council as the educational authority has requested a financial contribution towards meeting the increased demands on educational institutions as a result of this development. The County Council has forecast that there is enough spare primary capacity to accommodate the number of pupils expected to be generated from this development and therefore a contribution toward primary education is not sought. However the County's forecast is that the secondary schools within Exeter are at capacity and therefore have calculated that a financial contribution of £284,700 based on this 80 dwelling scheme would be required. The contributions will be used towards new secondary provision at South West Exeter, which will in turn release capacity at existing secondary schools across the city.

The NHS Clinical Commissioning Group has raised concern that the combined surgeries of St Thomas' Health Centre and Foxhayes Surgery are already at or over capacity within their existing footprints therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The surgeries already have 42,470 patients registered between them and this new development will increase the local population by a further 182 persons. Consequently in line with guidance produced by NHS England and Devon County Council, this will result a request for £551 per dwelling which based on 80 units require a total contribution of £40,858 towards the mitigation of the pressures on local healthcare facility.

### **Flooding**

Several local residents have raised concerns about possibility of flood risk given the elevated nature of the site, particularly in respect of properties in St Peters Mount. Following initial concerns, the County Flood Team have commented that they have no in-principle objections. Originally they objected to the scheme because it is not considered that the development satisfactorily conformed to Core Strategy Policy CP12 which requires all developments to mitigate against flood risk and utilise sustainable drainage systems (SuDS). However further information was provided by the applicant in the form of a surface water drainage strategy in line with the Devon Guidance for SuDS. The applicant has proposed an attenuation basin to restrict flows to greenfield runoff rates, which also

incorporates the site's long term storage requirements. If the application is approved a planning condition would be required for infiltration to be fully investigated on site in line with the surface water management hierarchy.

### **Public Opinion**

This application has generated a considerable amount of public opposition and support from residents who live close the site and from throughout the city. These comments have been summarised in the representation section of the report. The number of comments clearly indicate that local people are keen to safeguard the land or release this site for development, but have also highlighted wider concerns about the development in the city and nearby areas. It is therefore important to reiterate that that the planning assessment must be assessed on the basis of each case on its individual merits and although development has previously been anticipated in nearby Teignbridge district, this is not a relevant consideration for the assessment of this application. As previously stated the lack of a 5 year housing supply means that issues, particular regarding landscape impact need to be assessed on a site by site basis rather than relying on an overall landscape policies contained within the local plan.

### **CIL/S106**

The development is CIL liable and a S106 agreement will be required to secure the affordable housing provision, highway contributions, education, GP provision and agreement of future management of the open space/LEAP if planning permission is approved.

Community Infrastructure Levy - The residential development at the site will be liable for the payment of Community Infrastructure Levy (CIL). The current rate for 2021 is £118.93 per square metre (gross internal floorspace) and is applicable to all market housing within the development.

## **17.0**

### **Conclusion**

The fact that housing on site is visible within an area of land does not necessarily make a development unacceptable. The application is in outline and therefore the appearance of the proposed dwellings is not for consideration. However it is the impact the built development would have on the overall landscape character of the area, which remains the fundamental consideration as to whether the scheme is acceptable. This is the planning balance, which needs to be considered, taking into account all material planning considerations and in particular the Council's lack of a 5 year housing supply as the 'tilted balance' required by the NPPF places great weight on the approving of sustainable housing development unless there are clear reasons for refusal. The fundamental consideration therefore is whether the provision of 80 dwellings (including 28 affordable units), provision of onsite open space/play areas and the associated highway improvement and mitigation measures put forward in support of the application take precedence against the detrimental impact the

development would have on the landscape character of the area both locally and from a wider landscape setting. As this report sets out the assessment is clearly a balanced one, however it is considered that the landscape quality of this valued site and the harmful visual impact intrusive created by the housing development should be afforded greater weight, in this instance. It is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the NPPF (2019) taken as a whole. Accordingly the application is recommended for refusal.

## **18.0**

### **RECOMMENDATION**

#### **REFUSE**

The development would have a significant impact on the rural character of the area and landscape setting of the city by developing and urbanising a prominent ridgeline that will be visible from surrounding parts of the city. It will have a significant impact on the rural character of Redhills through the creation of an access road and necessary visibility splays, which will detract from the rural approach to the city from the west. The development is therefore contrary to the adopted development plan policies CP16 of the Exeter Core Strategy and saved Policy LS1 of the Exeter Local Plan First Review, and paragraphs 127c) and 170 of the NPPF (2019). In regard to the presumption of sustainable development in the NPPF, it's considered that the adverse impacts of the development on the rural character and distinctiveness of the area and landscape setting of the city would significantly and demonstrably outweigh the benefits of housing delivery on this site when assessed against the policies in the NPPF taken as a whole.