

Planning Committee Report: 21/0223/OUT

1.0 Number:	21/0223/OUT
Applicant Name:	Waddeton Park Ltd
Proposal:	Outline planning application for the construction of up to 61 dwellings and associated infrastructure.
Site Address:	Land at Home Farm between Church Hill and Park Lane
Registration Date:	10 February 2021
Link to Application:	https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QOB104HBLUJ00
Case Officer:	Michael Higgins
Ward Member(s):	Cllrs Harvey, Oliver and Wood

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 setting as designated in the Core Strategy.
- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted where the development plan policies which are most important for determining the application are out-of-date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- The development would make a positive contribution to the Council's 5 year housing land supply.
- The scheme will provide 35% affordable houses (subject to appropriate S106 Agreement).
- Subject to appropriate conditions and a S106 financial contribution to mitigate transportation impacts of the proposal the highway/accessibility issues associated with the development have been confirmed as acceptable by the Local Highway Authority. In the absence of a completed S106 securing the required contribution this would need to be incorporated within a reason for refusal.

- 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 encouraged but does not include residential. Policy CP16 protects the character and local distinctiveness of areas of the City including the hills to the north and northwest.
Impact on landscape and heritage assets	Notwithstanding submitted information consider proposal would have an adverse impact on the character and distinctiveness of the area by placing development on the skyline, thereby causing significant harm to the landscape setting of City. Consider this adverse impact outweighs scheme benefits of delivering housing. No significant heritage asset impact issues.
Access/Impact on Local Highways	Following the provision of further information, including confirmation that it is not feasible to deliver a pedestrian/cycle connection from Church Hill through the Phase 1 development to the west of Church Hill onto Bickleigh Close, the County Highway officer has confirmed that the access arrangements to serve the proposal are acceptable (subject to conditions) and result in acceptable walking and cycling distances to local facilities. To mitigate concerns about trip generation, modal split and impact in the Pinhoe area a financial contribution towards sustainable measures outlined in the Pinhoe Area access Strategy is sought.
Affordable Housing	The submitted documents commit to

	35% affordable housing and this accords with Policy CP7 and would be secured through a Section 106 Agreement in the event of consent being granted.
Scale, design, impact on character and appearance	The submitted illustrative layout, Design & Access Statement and other supporting information are <u>not</u> considered to demonstrate that the proposal would have an acceptable impact on the character of the locality.
Ecological Issues/Habitat Mitigation	Based on the submitted information it is not considered that there is any fundamental adverse ecological impact of the proposal that would warrant refusal.
Flood Risk and Surface Water Management	Devon County Council as Lead Local Flood Authority has raised no objection in principle and recommend a condition relating to approval of any detailed drainage design for the site.
Sustainable Construction and Energy Conservation	The appropriate energy performing standards will be secured through a condition in the event of consent being granted.
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 site comprises an agricultural field of 3.7 hectares in size. The site is bounded by roads on 3 sides (including Church Hill to the west, and Park Lane to the east). The field has a single agricultural field gate located in the northern most corner of the site. The land adjoining the southern boundary of the site is currently being developed for housing and associated public open space by the developer Burrington Estates. The site has irregular L-shape and there is no public access to the site.

The boundaries of the site comprise established hedgerows that incorporate the occasional mature trees. Within the site a belt of tree planting has been undertaken fairly recently along the northern boundary and part of the eastern boundary with Park Lane (either side of the existing field gate). The site slopes upwards from its lowest point on the southern boundary to the highest point at the northern boundary.

The surrounding land to the north and west of the site is undeveloped land with a predominantly rural character forming part of the hills and ridgeline that forms the landscape setting to the city, and the skyline in various viewpoints in the surrounding and wider area. The site lies very close to the administrative boundary of the City with land immediately opposite the site along its northern boundary lying within East Devon.

To the east of the site lies a collection residential dwellings in ribbon form on the opposite side of Park Lane and properties on Bindon Road adjoining the part of the site that 'dog legs' towards the south.

The land to the south of the application site is currently being developed with new housing and associated open space. The site wraps around the open space forming part of that development, with the built development lying beyond this to the south of the site and around the original farm buildings.

The site is in Flood Zone 1 and is indicated as potentially contaminated land in the Council's GIS system. None of the trees on or around the site have TPOs.

6.0 Description of development

Outline planning application for the construction of up to 61 dwellings and associated infrastructure, with all matters reserved except for access. A singular access to serve the development would be provided on the southern boundary of the site via the residential development currently taking place on the land to the south. This would connect via the road network of that development onto Church Hill.

The accompanying illustrative plan indicates that the future development would comprise of mainly semi-detached and detached properties and be confined to the lower and middle part of the site with the upper most northerly part forming a substantial area of open space. Houses are shown off-set from the site boundary with Church Hill with landscaping between the housing and the existing hedgerow bordering Church Hill leading to a surface water attenuation feature in this southern corner of the site that would adjoin the open space forming part of the neighbouring development.

The submitted supporting information states that a policy compliant level of affordable housing (35%) would be provided. If the upper limit of 61 dwellings were approved at reserved matters stage this would result in 21 affordable dwellings, 40 open market dwellings and a commuted sum in respect of the partial unit (0.35) making up the 35%.

7.0 Supporting information provided by applicant

The following documents have been submitted in support of the current application:

- Planning Statement
- Design & Access Statement
- Transport Statement
- Landscape & Visual Appraisal
- Flood Risk & Drainage Strategy
- Heritage Statement
- Ecological Impact Assessment
- Phase1 Desk Study and Phase 2a Preliminary Ground Investigation

8.0 Relevant planning history

There is no planning history relating directly to the application site itself. However, the following planning history relating to the adjoining site is considered relevant:

13/4802/OUT – 120 dwellings with associated infrastructure and open space (All matters reserved for future consideration apart from access). Refused 24/01/2014. Subsequently allowed on appeal following a Public Inquiry on 29/10/2014.

16/1576/OUT – Outline application for the phased development of up to 120 dwellings (C3) with associated infrastructure and open space (All matters reserved for future consideration apart from access). Approved 12/06/2017.

18/1177/RES – Approval of reserved matters for the appearance, landscaping, layout and scale for 30 dwelling units, which comprises the first phase of the development. This phase is the Southwestern parcel of the outline approved development site located between Bickleigh Close and Church Hill. (Pursuant to outline planning permission granted on 12th June 2017, reference 16/1576/OUT). Approved 16/01/2019.

19/0255/RES - Reserved matters application seeks consent for the appearance, landscaping, layout and scale for 90 units which comprise the second phase. This phase is the Northwestern parcel of the outline approved development site. (Pursuant to outline planning permission granted on 12th June 2017, reference 16/1576/OUT). Approved 01/10/2019.

9.0 List of constraints

Within landscape setting

Smoke Control Area

Zone of Influence of SPA's

10.0 Consultations

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

Natural England – identify that the development falls within the 'zone of influence' for the Exe Estuary SPA, East Devon Pebblebed Heaths SAC & East Devon Heaths SPA as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). Therefore highlight need to secure mitigation of potential impact of increased recreational pressure arising from the development on the protected European sites, and refer to standing advice relating to impact on protected species, biodiversity gain, landscape, access and recreation.

Environment Agency – No comments received.

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 which was jointly prepared by NHS England and Devon County Council. 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 contributions could facilitate change and enhancement include: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 Pinhoe Surgery, ISCA Medical Practice and Barnfield Hill Surgery are already over capacity within their existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The combined surgeries already have 26,448 patients registered between them and this new development will increase the local population by a further 139 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 £559 per dwelling which based on 61 units requires a total contribution of £34,121 towards the mitigation of the pressures on local healthcare facility.

East Devon District Council (Planning) – No response received.

SWW – No Objection.

County Head of Planning, Transportation and Environment (Highways) –
Comment as follows and recommend conditions and S106 obligations -

“This application follows on from “Phase 1” of the Land at Home Farm development, which comprises of 120 dwellings delivered in two parcels under planning reference 16/1576/OUT. The Highway Authority had no objection subject to appropriate conditions and contributions being provided. The application was approved in 2016 following an appeal process. The western parcel is now complete, and the eastern parcel is currently under construction.

From a highways view, the following elements of phase 1 are important to note:

- Access to the eastern development is provided via a new priority junction on Church Hill.
- A pedestrian / cycle connection is to be provided from the south eastern corner of the eastern parcel to Broadparks Avenue. Condition 6 of the Reserved Matters application (19/0255/RES) secured a trigger that on completion of the 50th dwelling the Broadparks Avenue cycle link must be delivered.
- Access to the western parcel was to be provided through a new crossing connection of Church Hill / Bickleigh Close. However, as part of the reserved matters application for the smaller western parcel, comprising 30 dwellings (18/1177/RES) the pedestrian / cycle connection linking the two parcels of phase 1 was omitted.

Proposed Development Accessibility

Phase 2 of the development has been described as an extension to phase 1, utilising the same vehicle access and pedestrian / cycle infrastructure. Vehicle access to the site will be taken from the south via the internal road network of the consented development, connecting to the local highway network via the new priority junction onto Church Hill.

The pedestrian and cycle access strategy will be predominantly achieved through the delivery of Phase 1, utilising the new cycle link to Broadparks Avenue. A condition will be required to ensure this connection is open before any development for Phase 2 can take place. The applicant and the landowner have confirmed that they have contractual step-in rights to deliver this connection in the unlikely event that it is not delivered by the Phase 1 developer in line with Condition 6 of application (19/0255/RES).

In review of the Phase 2 application, the Highway Authority has again raised concerns with the pedestrian accessibility towards the west of the site and has questioned whether safe and suitable routes are provided for all users at all times. Church Hill / Brooks Way / Bickleigh Close is the most direct connection between Phase 2 and the nearby Primary School and bus stop facilities on Harrington Lane.

The applicants Transport Assessment acknowledges there is a limited level of provision for pedestrian facilities on Church Hill north of Harrington Lane junction and that pedestrian demand should be accommodated through alternative access points.

The Highway Authority has received concerns from residents that Phase 1 of the development has resulted in pedestrians using Church Hill which has no facilities. In response the applicant has provided a Technical Note TN001, which details that land required to provide a crossing of Church Hill is no longer under the ownership of the applicant and it is now not feasible to deliver the crossing at this stage.

Once the Broadparks Avenue connection is made, this route will provide a safe route towards Pinhoe and services off of Church Hill for residents of Phase 1 and Phase 2. Walking distances from the proposed development to Pinhoe Primary School, the village centre, and the closest bus stops via Broadparks avenue are within the acceptable walking distances.

The Highway Authority therefore accepts that the Church Hill link is not necessary for the acceptability of the current application, but further contributions towards off-site improvements will be required to encourage active travel from the development.

Trip Generation

The Transport Statement (TS) 210107 submitted by the applicant details the traffic impact of the development, assessing the impact against the Harrington Lane / Church Hill junction and the Pinhoe Double-Mini roundabout. The TS estimates the highest increase to be up to 5.1% at the Harrington Lane / Church Hill junction and 2% increase at the Pinhoe Double Mini Roundabout.

The maximum number of trips generated in any one direction across the peak periods is 28 (AM peak). The assessment is considered robust and the capacity assessments carried out under Phase 1 of the application is considered acceptable. The contributions secured via phase 1 are sufficient to ensure that additional traffic from Phase 2 can be accommodated at the double-mini roundabout. Therefore, the residual impact of this development is not considered to have a severe impact on the local highway network

The Transport Statement uses mode splits from TEMPRO version 7.2b based on "Exeter 003 Middle Super Output Area". This estimates only a 20% active travel split (18.2% walk, 2% cycle) and expects the majority of journeys to be made by car (47.4% car driver, 25.6% car passenger). This is not deemed acceptable or sustainable for an urban development in Exeter. Devon County Council have recently adopted a new Exeter Transport Strategy and both the City and County Council has signed a climate change declaration. The strategy for the city outlines the ambition for 50% of trips to be made by walking or cycling.

Therefore, to mitigate the impact of the development in the Pinhoe Area a fair and reasonable contribution towards sustainable measures outlined in the Pinhoe Area Access Strategy (PAAS) is sought. The S106 for this site will be used to deliver strategic cycle route infrastructure serving Pinhoe (E4) and enhancements to Beacon Lane as identified in the PAAS. [Pinhoe area access strategy 2019 addendum - Roads and transport \(devon.gov.uk\)](#).

Internal Roads

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. To assist in achieving this it is recommended that the applicant liaises with the highway authority **prior** to commencing design works in advance of any application for reserved matters approval.

The proposed residential roads of the site fall within an existing 20mph zone. Consequently, the applicant is advised that the existing Traffic Regulation Order will need to be amended to incorporate the new roads. The cost of any changes will need to be met by the developer and a contribution towards this is therefore sought.

Details of the car and cycle parking provision will be provided within the Reserved Matters Application and will need to be in accordance with ECC's Sustainable Transport SPD.

Transport Contributions

In summary, the following site-specific contributions are sought.

- £3,250 per dwelling (Total £198,250) towards measures outlined in the Pinhoe Area Access Strategy (PAAS). This is consistent with the contribution secured via Phase 1.
- Traffic Order Contribution of up to £5,000.
- Unless otherwise agreed a contribution of £250 per dwelling towards implementing a residential travel plan

Conclusion

The Highway Authority has raised concerns with the pedestrian accessibility of the site and the opportunities for active travel. However, subject to contributions towards off site infrastructure, traffic orders and travel planning being secured through an appropriate legal agreement, the access arrangements proposed by the developer are considered acceptable. Subject to the conditions outlined below, the Highway Authority raised no objection to the proposed development.”

DCC (LLFA) – originally raised objection 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, following further clarification in respect of the surface water drainage aspects of the proposal this objection has been withdrawn and replaced with No in-principle objection and a recommended condition relating to detailed drainage design matters being submitted for approval.

Devon County Education Authority comment that a development of up to an additional 61 family type dwellings will generate an additional 15.25 primary pupils and 9.15 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. This is set out below:

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 £217,083 (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 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 to demonstrate all opportunities for waste minimisation, reuse and recycling have taken place.

Devon and Cornwall Police Liaison Officer – raises no objection based on the 'Illustrative Layout' but makes comments on detailed design matters relating to adequacy of boundary treatments, defensible space, security of side and rear boundaries, clarity of ownership/maintenance responsibilities, prevention of vehicular access to public open space, natural surveillance, clearly defined pedestrian routes, lighting, and parking arrangements.

Devon & Somerset Fire & Rescue – comment "I have studied the vehicle tracking for a fire tender using the Illustrative Layout Plan on the planning portal. In principle, it would appear (without prejudice) to satisfy the criteria we would require for B5

access under Building Regulations. However, without more detailed plans it is not possible to definitively determine if the development fully complies.” Also refer to fire service access requirements covered in Building Regulations, provision of fire hydrants and highlight that Fire & Rescue Authority is a statutory consultee under Building Regulations and will make detailed comments at that stage.

Exeter Cycling Campaign raise objection to development considering proposal not to be conducive to active or sustainable travel and hence promoting reliance on car, highlight that Church Hill is steep, narrow, with no footpath and not safe, state the suggested alternative route through Broadparks Avenue does not exist. Notwithstanding objections state if approved conditions should be imposed requiring cycle/pedestrian access from Park Lane, further widening of Church Hill, cycle parking provision, and standard of roads within development being LTN1/20 compliant.

ECC Environmental Health officer – recommends conditions relating to land contamination and a submission of a Construction Environment Management Plan (CEMP). Whilst identifying that an Air Quality Assessment is not considered necessary note that the development will increase traffic flows and so seek clarification regarding how the development will incorporate good design principles and best practice measures to ensure that emissions are fully minimised.

ECC Place Making Officer – states the following:

- The site is an integral part of the hills to the north of Exeter which are of major landscape importance and which contains the urban extent of Exeter, providing a setting for the city as well as a rural backdrop to the existing residential areas to the south-west and south-east.
- The site is a component part of the area included in the Exeter Slopes and Hills as identified by the Devon Landscape Character Area Assessment which is described as having a strongly rural character despite its proximity to Exeter. At a more local level the site is assessed as being part of Landscape Character Type 3A Upper Farmed and Wooded Valley Slopes which identifies more detailed characteristics.
- Development of the site would mean extending residential development beyond the built-up area potentially resulting in a harmful effect on the character and appearance of the area.
- The loss of this 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 resulting in further proposals on the neighbouring land and potentially piecemeal development elsewhere in the area.
- Development of this land should be seen in the context of the cumulative impact of other currently proposed developments in the hills to the north of Exeter.

- The proposed development of the site would be contrary to Local Plan policy LS1 since it is evidently not reasonably necessary for the purposes of agriculture, forestry, the rural economy or concerned with change of use, conversion or extension of existing buildings: I can find no reference to this in the Landscape and Visual Appraisal (LVA).
 - Similarly the proposals would be contrary to the core Strategy Policy CP 16 which includes protection of the character and local distinctiveness of the hills to the north of Exeter.
 - The Exeter Fringes Landscape Sensitivity and Capacity Study identified the site (zone 8) as having a high landscape sensitivity and a medium-low capacity for housing use.
 - The LVA (which is an informal appraisal, not a full LVIA*) includes a Zone of Theoretical Visibility (ZTV) with representative viewpoint locations (Fig.9). The image is very difficult to interpret (if not confusing) in relation to the site and context. In addition, clarification is needed about the height of the 8.0m high ZTV light source and the theoretical visibility given that it is proposed that most of the proposed dwellings would a maximum of 9.0m high (Parameter Plan Fig. 9 DAS).
 - Photographs of the Local Views identified in the LVA (p.13) should be provided.
 - The suggested mitigation effects of proposed tree planting relies on potential benefits that are based on the provision of limited areas and a sustained and skilled level of care for a significant period of time well beyond the development of the site.
 - The Opportunities and Constraints Plan (Fig 8) of the Design and Access Statement indicates Public Open Space on the higher parts of the site (north-west part) with the remainder of the site for development at the lowest area. However, much of the suggested development area would be at the same level as the POS (approx. 95-101m) not below it which would undermine the fundamental concept of retaining the higher land undeveloped.
- *Landscape and Visual Impact Assessment

ECC Heritage Officer – states “I have considered the above application and have the following advice to offer:

Archaeological Impact

The applicant has supplied the results of an archaeological field evaluation designed to encounter the anomalies recorded within the geophysical survey of the site. The results indicate that the source of the anomalies were to a great extent variations in surface conditions rather than previously unknown archaeological features; the only features revealed by trenching appear to correspond with a field boundaries of indeterminate age, this has limited research value and should not be considered to be a constraint upon the proposal. Given the negative results of the evaluation further archaeological

interventions are considered to be unnecessary and I advise that the application can progress without the need for conditions pertaining to this.

Impact upon listed buildings

The application will introduce a limited change to the context of a number of Grade II designated assets, this change could be understood to be harm, but the level of harm is characterised as being slight to neutral due to proximity and topographic screening from certain viewpoints; I therefore advise that the harm to the designated heritage assets is well below the threshold of rejection on these grounds.”

RSPB – comment they are pleased to see included in a number of steps to enhance Biodiversity proposals for integral bird nesting provision but question the type of bird brick/nest box selected and would advocate the use of swift nest bricks as they are also used by many other species. Refer to standard of provision equivalent to one per dwelling, and comment on design details and recommend a condition relating to the number, type and location is imposed.

Living Options Devon – comment “As this application is for outline planning permission, providing little detail with regard to design etc., the only comments LOD can make at this stage would be to recommend following the principles of Lifetime Homes which covers general needs housing to provide accessible and convenient accommodation for a wide range of the population, from households with young children to older people, and individuals with temporary or permanent physical or sensory impairment. In the event of full permission being granted LOD would be interested in commenting further.”

Wales & West Utilities – No comments received.

11.0 Representations

93 objections received raising the following concerns:-

- Landscape setting impact – appeal decision
- Previous decision identified importance of leaving this site undeveloped – Against previous promises
- Contrary to Development Plan
- Hill important to landscape setting of City – loss of City’s character and archaeological heritage
- Council for Protection of Rural England (CPRE) – query reliance on ‘tilted balance’ and weight to be attributed to ‘sustainable development’, few comprehensive gains for environment and health/well-being of community, Housing need – Housing Delivery Test 2020 Devon over delivered, suggest Exeter has too, how secure Biodiversity net gain, No ‘Building for Healthy Life’

Assessment contrary to NPPF paras 124,128 & 129, No independent Design Review, how does this support Council's Climate Emergency declaration

- Inappropriate tree planting (species) within top part of site
- Adverse visual impact – elevated position altering skyline and visible from many vantage points.
- Misleading information/images on visual prominence
- Loss of green fields - Impact on health of loss (more awareness during covid pandemic)
- Importance of green space, pandemic
- Loss of public views to Exe Valley, Haldon & Dawlish Warren (popular viewpoint over field gate with walkers in the area)
- Loss of residential amenity – i.e. viewpoint
- Strength of public opinion against proposals – as evidenced by e-petition
- Access – Church Hill and Park Lane inadequate (width, lighting, lack of pavements, condition). Previous solution on Church Hill inadequate and ill thought-out.
- Congestion/gridlock
- Inadequate pedestrian access to facilities (question accuracy of comments in submitted Transport Assessment)
- Not a sustainable site
- Lack of sustainability – access difficulties for pedestrians/cycles, distance to facilities and hence reliance on motorised transport
- Pedestrian/cycle access option through Broadparks Avenue not attractive/desirable/direct or safe
- Transport Statement factually incorrect – dispute findings/assumptions
- Exacerbate access difficulties at bottom of Park Lane and Church Hill
- Emergency Vehicle access
- Inappropriate traffic for nature of roads – Church Hill rat run
- Impact on Park Lane – deflection of traffic
- Absence of pedestrian/cycle access from site onto Park Lane
- Road safety – especially for pedestrians, access across Church Hill referred to doesn't exist. Traffic speeds – pedestrian, cycle and car conflict
- Bottle necks due to recent 'improvements'
- Lack of space for road improvements
- Increased traffic – home delivery services/changing practices
- Disagree with conclusions of Highway Authority in their consultation response regarding acceptability of access strategy, sustainable transport credentials and relevant policy compliance
- Pressure on local infrastructure – hospitals, doctor's surgeries, schools (especially secondary)
- Lack of amenities/infrastructure

- Environmental/biodiversity impact - Loss of wildlife (foxes, birds, badger, bats, small rodents, snakes, slow-worms etc.)
- Bats – not properly recorded or surveyed
- Light pollution – impact on wildlife
- Ecological analysis/best practice – not conform
- Loss of hedgerows
- Problems/inconvenience during construction – mud, dust (window cleaning costs), Lorries, damage and obstruction.
- Loss of privacy/noise – impact on mental health
- Air pollution – associated with vehicles
- Mental health impacts – loss of open space
- Loss of privacy – overlooking
- Loss of light – high roofs
- Incompatible with climate change targets
- Plenty of homes in Exeter used for students which could be occupied by local people
- Demand – changes resulting from Covid – more home working – surplus City centre buildings available for housing.
- Enough houses being built in Exeter to meet need – Exeter over delivery
- Pinhoe excessive amount of development recently, no requirement for additional housing in Pinhoe.
- Urban sprawl/overdevelopment, spoiling Pinhoe
- Cumulative impacts with other recent developments
- Precedent for further development
- What has CIL money been spent on? Not improving situation!
- Overdevelopment
- Greed by developers and Council
- Forthcoming legislation – Environment Bill
- Loss of agricultural land – food supply post Brexit
- Drainage/Increased flooding
- Lack of public consultation

An e-petition has been running on the Council's website which closed on 9th June entitled 'Protect Green Infrastructure in Pinhoe'. This has over 2000 signatures and will be considered by Full Council in July in accordance with the Council's petition scheme.

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)**

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

Core Strategy Objectives

CP1 - Spatial Strategy

CP3 - Housing

CP4 - Residential Density

CP5 - Meeting Housing Needs

CP7 - Affordable Housing

CP9 – Transport

CP10 – Meeting Community Needs

CP11 – Pollution

CP12 - Flood Risk

CP14 - Renewable Energy

CP15 - Sustainable Construction

CP16 - Green Infrastructure, Landscape and Biodiversity

CP17 - Design and Local Distinctiveness

CP18 – Infrastructure

CP19 – Strategic Allocations

Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005) – saved policies

AP1 Design and Location of Development

AP2 Sequential Approach

H1 Search Sequence

H2 Location Priorities

H5 Diversity of 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
LS1 Landscape Setting
C2 Listed buildings
C5 Archaeology
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 Childrens Play Areas
DG6 Vehicular 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

DD8 – Housing on Unallocated Sites

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 – Protection of Landscape Setting Areas

DD30 – Green Infrastructure

DD31 – Biodiversity
DD33 – Flood Risk
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents

Sustainable Transport (March 2013)
Affordable Housing (April 2014)
Archaeology and Development SPD (Nov 2004)
Residential Design Guide (2010)
Planning Obligations SPD (April 2014)
Public Open Space SPD (Sept 2005)
Trees and Development SPD (Sept 2009)

Other documents

1. 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.
2. Exeter Fringes Landscape Sensitivity and Capacity Study February 2007 (Zone 8)
3. Visual Land Parcel Evaluation for Potential Residential Sites in Exeter 2013 (Cornwall Environmental Consultants (CEC Ltd) – site 100-1.
4. Appraisal of Landscape Policy Areas and Valley Parks (ECC 1997)
5. Exeter Local Plan First Review – Landscape Evaluation (ECC 1999)

Devon County Council Supplementary Planning Documents

Minerals and Waste – not just County Matters Part 1: Waste Management and Infrastructure SPD (July 2015)

13.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

It is acknowledged that there are certain properties where they may be some impact and this will need to be mitigated through the imposition of conditions, and detailed considerations at the 'reserved matters' stage, 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 a result of

impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the overall benefits of the scheme in terms of provision of 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 the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

14.0 Public sector equalities duty

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

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

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

- a) 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 other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

15.0 Financial issues

The requirements to set out the financial benefits arising from a planning application is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:-

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) of the Town and Country Planning Act 1990.

The information or financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out including their value if known and should include whether the officer considers these to be material or not material.

Material considerations

Affordable housing contribution of 35%; (which if the upper limit of 61 dwellings were constructed would equate to 21 units and a commuted sum in respect of the 0.35 part unit.

GP contributions £559.36 per dwelling; (£34,121 based on 61 units)

Education contribution £217,083 towards secondary schools (based on 61 units).

Open space is indicated on the submitted illustrative layout – this would be finalised as part of any 'reserved matter' application.

Transportation contributions including £198,250 towards measures outlined in the Pinhoe Area Access Strategy, Traffic Order Contribution of up to £5000, and £250 per dwellings towards implementing a residential travel plan.

Non material considerations

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

The rate at which CIL would be charged for this development if consent is granted in 2021 is £118.93 per sq. metre. Confirmation of the final CIL charge would 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 on heritage assets
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 61 dwellings falls outside the urban boundary, as identified in the Development Delivery DPD and is located in an area of landscape setting in the Exeter Local Plan, Policy LS1 is 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.

The area is identified in the Appraisal of Landscape Policy areas (1997) which states that '*This area is viewed from the south and south-west including Monkerton and Pinhoe, Hill Barton Road, Sowton Industrial Estate, Middlemoor, Wonford and Burnthouse Lane. Views extend to Haldon, the Estuary and to East Devon.*' The evaluation of the site states that '*This area forms the rural backdrop to Pinhoe leading to the ridgeline marked by Park Lane. The two lanes are rural in character and are perceived as field boundaries...*'

In the 1999 Exeter Local Plan First Review Landscape Evaluation the site was included within Area 13 (Land North of Exeter) which is described as follows in terms of visual Function, Character and Prominence –

Visual Function – This is the core area within the city boundaries that constitutes the range of hills that envelop the city giving Exeter its classic setting.

Character – An active rural landscape of arable and pasture fields, hedgerows, woodland and farms is draped over a relief that ranges from steep hills and valleys to the floodplain of the River Exe to the north. The area is visually and physically contiguous with the extensive rural interior off Devon to the north and NE.

Prominence – The high hills are visible from many locations in the city and beyond. Their role in determining the setting of Exeter is particularly prevalent on many approaches to the city including the A38 trunk road from Plymouth. From the railway

line from Bristol and Paddington and the M5 from Bristol for the hills provide a visual gateway to Exeter.

Within this document each of the above elements is scored on a scale of low, intermediate and high quality. Area 13 is stated as 'very high' in respect of all 3.

The Exeter Fringe Landscape Sensitivity and Capacity Study (2007) identified the site as having a high landscape sensitivity, being a prominent hill side with high intrinsic sensitivity which forms a strong positive rural backcloth to the city with a focal point of the church and visible from the M5. The study indicates that the area has very limited capacity for housing because of its prominence, rural character and intrinsic sensitivity except single properties in very carefully located positions avoiding wider visibility.

The Visual Land Parcel Evaluation for Potential Residential Sites in Exeter, 2013 (the CEC Study) assessed the site and concluded that site 100-1 '....does contribute to the perception of the urban fringe, particularly the two fields on the higher ground to the north.' It also states that '...the more elevated north-western areas of the site 100-1 are likely to be visible from south-western landscapes as part at the end of the Beacon Hill ridge, as there are long range views south from those areas.' In terms of visual sensitivity the site is identified as being of medium visual sensitivity 'reflecting its increased importance in the urban fringe landscape as part of the Beacon Hill ridge and associated wider area views as well as the number of receptors overlooking parts of the site.'

The site is within the 'Exeter Slopes and Hills' Landscape Character Area which is a landscape that '*feels elevated above surrounding areas, offering views across Exeter city*' and '*Distinctive views, strong topography, notable woodland and proximity to Exeter contribute to a strong sense of place*' (Devon Landscape Character Area Assessment).

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 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 in respect of application no. 13/4802/OUT which related to land at Home Farm, 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 May 2021, the Council is able to demonstrate a housing supply of four years and seven 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 61 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 61 dwellings, which if this number was ultimately achieved, would result in the provision of 21.35 affordable homes based on a policy compliant level of 35% in accordance with Core Strategy Policy CP7.

In addition, based on the illustrative layout submitted, the proposal could provide a substantial area of open space on the most northern part of the site. Were approval to be granted this would need to be secured through an appropriate condition/obligation to ensure its provision and the confinement of the housing to the parts of the site suggested by the applicant as being of less visual prominence/importance.

There is also scope to provide pedestrian/cycle access to/from the site onto Park Lane.

Requested contributions towards education and GP provision to meet the needs of the development have been requested. Although the applicant has not yet agreed to

these contributions discussions are on-going and should these subsequently be agreed they would constitute benefits of the development.

Landscape and impact on heritage assets

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 that the development could be limited to the middle and lower part of the site with the highest and most northern part retained as open space.

Furthermore, based on analysis within the supporting Design & Access Statement and Landscape and Visual Appraisal (LVA), it is suggested that variable height limits could be applied to dwellings erected on different parts of the site with a max 8m height for dwellings on the highest part of the developed area indicated on the illustrative layout and 9m on lower parts. It is suggested that these development parameters could be conditioned in any approval and would minimise the visual impact of the proposals. 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 consideration of the visual impacts of the scheme and the integration of the development into the site. The submitted LVA concludes as follows in respect of the landscape and visual effects of the development –

“As a result of the landscape-led approach, the landscape and visual effects of the proposed development are geographically well contained with long term (residual) landscape effects at worst being slight to moderate, and long term (residual) visual effects at worst being little to no effect.”

It is not suggested by the applicant that the scheme will have no visual impact, nor that it will not be visible from various vantage-points, but that their conclusion is that the impact would be acceptable. This view is not shared by officers and notwithstanding the applicant's supporting information it is considered that the scheme for 61 dwellings will have a significant impact on the landscape character of the area and its contribution to the landscape setting of the city. Reference is made back to the Exeter Landscape Sensitivity and Capacity Study which indicates that the site is in an area of 'High' Landscape Sensitivity, and The Visual Land Parcel Evaluation for Potential Residential Sites in Exeter, 2013 (the CEC Study) which assessed the site and concluded that site 100-1 'contributed to the perception of the urban fringe, particularly the two fields on the higher ground to the north.'

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. It is considered that the site is particularly prominent in certain vantage points, such as but not limited to, from land to the south including Cumberland Way/Tithebarn Way, Sowton and wider viewpoints outside the city. Accepting that existing dwellings on Park Lane are visible, and that from some vantage points these are seen as a back drop to the site, the open undeveloped nature of the land comprised in the application is still considered to contribute to the ridge line and landscape setting of the city. As evidenced in some of the images contained within the submitted LVA, which attempt to show the extent of the development utilising the parameters suggested in the submitted Development Parameter Plan, the proposal will result in the visual loss of a green field comprising the application site from the hillside views. It is considered that this impact on the landscape quality of the area, in terms of its character and local distinctiveness, would be contrary to policy CP16 of the Core Strategy. Whilst in the longer term planting on the upper parts of the site might develop to provide a green backdrop to the development that would not adequately compensate the loss of the undeveloped nature of the prominent hillside fields comprising the application site.

The Council place making/landscape officer has objected to the scheme stating that the proposed development would mean extending residential development beyond the built-up area potentially resulting in a harmful effect on the character and appearance of the area. Further comment is made that the loss of this 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 resulting in further proposals on the neighbouring land and potentially piecemeal development elsewhere in the area. It is also pointed out that the development of this land should be seen in the context of the cumulative impact of other currently proposed developments in the hills to the north of Exeter. Concludes the proposal would be contrary to development plan policy.

It is significant to note that when the application for the original development at Home Farm, by the same applicant as this current proposal (application ref 13/4802/01), was being considered the submitted Landscape and Visual Assessment recommended that 'The upper parts of the site should remain undeveloped as part of the rural backdrop to the city, with tree planting along the north eastern edges of area 4 to reinforce the wooded skyline' (Area 4 includes the land comprising the current application site). It also stated within the document that "Areas 3, 4 and 5 are the most prominent parts of the site and make a positive contribution to the wider landscape setting of the city. These areas should therefore retain their existing undeveloped character." Finally in the summary of findings of that LVA it concluded – "The ridgeline formed by Stoke Hill and Beacon Hill to the north and north-west of the site makes a strong contribution to the landscape setting and distinctive character of the City. The upper part of the site forms part of this landscape feature and should remain undeveloped in order to form part of the undeveloped or wooded skyline above the City...."

Obviously the conclusions of this previous LVA are somewhat contradictory with the conclusions of the LVA submitted in support of the current/latest application (which was undertaken by a different landscape consultant). Obviously the current proposal needs to be considered on its own merits but in the officer's view the previous assessment is not automatically invalidated by the latest submitted LVA and highlights the ability for different opinions to be reached on landscape impact assessment matters. However, it is considered that the Planning Inspector's views on the matter set out in the decision on the appeal in respect of the previous proposals for land at Home Farm (ref 13/4802/01), which also made reference to the land subject of the current application, are highly significant and material. When the Planning Inspector considered the appeal against the refusal of planning permission for application 13/4802/01 the Inspector noted the following in respect of the LVA submitted at that time –

“The Landscape and Visual Assessment (LVA) of the appeal site and the Appellant's adjoining land was prepared prior to the publication of the CEC Study and informed the layout shown on the illustrative masterplan. It identified 10 areas, broadly based on existing field boundaries. It found that the most elevated parts of the area assessed (3, 4 and 5) make a significant contribution to the wider landscape setting of the City and should be retained in their existing undeveloped form. It concluded that development on the lower slopes would be perceived as infill development and would be compatible with the settled character of the lower slopes.” (Para 21)

Comparing the findings of that LVA with the CEC Study prepared for ECC the inspector stated the following in para 22 of the decision letter –

“I consider the findings of the CEC Study and the Appellant's LVA to be broadly consistent with each other. Both identified the important contribution of the undeveloped higher land towards the landscaped setting of the City. They also both acknowledged the need for careful design and mitigation on the remainder of the site. The CEC study assessed the larger part of the site in its entirety and noted that some parts of the site were associated within the urban fringe of Exeter, whilst other areas were more closely associated with surrounding development. The LVA adopted a more detailed approach and identified specific areas of the site as either suitable or un-suitable for development.”

The Inspector also examined the visibility of the site from a number of locations and commenting on the scope for views from Tithebarn Lane to the south-east the Inspector stated “Whilst it is possible to identify the appeal site from this location the views are of a distant nature. Subject to the upper slopes remaining free of development there would not be a significant effect on the setting of Exeter.” (Para 27)

Notwithstanding the information submitted in support of the current application it is considered that the site is prominent, and that there is not sufficient justification to depart from the assessment that the application site (comprising the upper parts referred to in the previous LVA and Inspector's decision letter) should remain undeveloped.

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 the 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.

In terms of heritage assets the consideration relates to Archaeological impact, and impact on nearby listed buildings. The Council's Heritage officer is satisfied on the basis of submitted information that there is no archaeological constraint to the development. Whilst it is considered the proposals would result in change to the context of a number of nearby listed buildings it is not considered that this change would be so adverse as to justify refusal on heritage asset impact grounds.

Access/Impact on Local Highways

The Transport Statement submitted in support of the application included reference, in terms of pedestrian/cycle connectivity serving the proposed development, to the ability to cross from the east side of Church Hill (via the junction into part of the consented and under construction development) into the recent development on the west side and onwards to Bickleigh Close and Harrington Lane. However, this failed to take account of the fact that when the 'reserved matters' consent for the parcel west of Church Hill was approved the provision of a pedestrian/cycle connection onto Church Hill was specifically excluded from the approved plans due to safety concerns. The Highway Authority initially raised concerns about the access strategy for the current proposal given that this route doesn't currently exist and advocated its provision and further information to address their concerns regarding pedestrian accessibility towards the west of the site, and highway safety matters on Church Hill. Since then the applicant's transport consultant has provided a Technical Note which includes commentary on why this connection/route can no longer be provided, and an appraisal regarding travel routes, particularly for pedestrians.

In respect of the feasibility of providing the previously proposed crossing of Church Hill and onward link through the consented phase 1 development to Bickleigh Close the Transport consultant summarises the position in an email as follows –

“Whilst I appreciate you wish to see this application deliver the crossing on Church Hill previously proposed by Burrington Estates and DCC highways (but ECC Members’ requested removed), the proposed development is not able to provide this crossing, or the onward connection within the western parcel, as this is not achievable within adopted highway and would therefore require third party land which is not in the applicant's control. This relates to the crossing itself, but also the necessary ped visibility on the western side of the crossing.”

They also note that the omission of the Church Hill pedestrian/cycle crossing from the Phase 1 development at the reserved matters stage was deemed to be acceptable in highway terms by both DCC and ECC. Furthermore it is highlighted that the currently proposed development will utilise the same pedestrian/cycle infrastructure as the consented development and that the walking distances from the proposed development to Pinhoe Primary School, the village centre, and the closest bus stops via Broadparks Avenue are broadly comparable to the access and movement strategy consented for Phase 1 and well within acceptable walking distances. As such they conclude, that the Church Hill link is not necessary for the acceptability of the proposed development.

The pedestrian and cycle access strategy will be predominantly achieved through the delivery of Phase 1, utilising the new cycle link to Broadparks Avenue. DCC in their formal consultation response state that having reviewed the submitted Technical Note – “The Highway Authority therefore accepts that the Church Hill link is not necessary for the acceptability of the current application, but further contributions towards off-site improvements will be required to encourage active travel from the development.” They also recommend a condition ensure this connection is open before any development for Phase 2 can take place. The applicant and the landowner have confirmed that they have contractual step-in rights to deliver this connection in the unlikely event that it is not delivered by the Phase 1 developer in line with Condition 6 of application (19/0255/RES).

The means of vehicular access to serve the proposed development (via Church Hill and the internal roads within the consented development currently under construction) is considered acceptable by the Highway Authority. The Highway Authority have also confirmed that the trip generation and capacity/impact assessments within the submitted Transport Statement are considered robust and acceptable and that the residual impact of this development is not considered to have a severe impact on the local highway network. However, given the predicted modal splits the Highway Authority have expressed concerns that the majority of journeys are likely to be made by car which they consider not to be acceptable or sustainable for an urban development in Exeter given that both DCC and ECC have committed to climate change declarations, and the County Council have adopted an Exeter Transport Strategy which outlines the ambition for 50% of trips to be made by walking or cycling. Consequently the Highway Authority state the following in terms of mitigating the impact of the development and making it acceptable -

“Therefore, to mitigate the impact of the development in the Pinhoe Area a fair and reasonable contribution towards sustainable measures outlined in the Pinhoe Area Access Strategy (PAAS) is sought. The S106 for this site will be used to deliver strategic cycle route infrastructure serving Pinhoe (E4) and enhancements to Beacon Lane as identified in the PAAS. [Pinhoe area access strategy 2019 addendum - Roads and transport \(devon.gov.uk\)](https://www.devon.gov.uk/pinhoe-area-access-strategy-2019-addendum-roads-and-transport).”

Overall the Highway Authority conclude as follows in terms of the acceptability of the proposal from a transportation impact perspective and subject to conditions and the securing of the requested S106 contributions raise no objection –

“The Highway Authority has raised concerns with the pedestrian accessibility of the site and the opportunities for active travel. However, subject to contributions towards off site infrastructure, traffic orders and travel planning being secured through an appropriate legal agreement, the access arrangements proposed by the developer are considered acceptable.”

Affordable Housing

As submitted the proposal comprises a policy compliant level of affordable housing (35%). Based on a scheme delivering the maximum 61 dwellings this would equate to 21 affordable dwellings and a commuted sum in respect of the part unit (0.35). The provision would need to be secured via a S106 Agreement which would also cover the tenure split and distribution/clustering.

Ecological Issues/Habitat Mitigation

Given the proposed change of use for the land from grassland/agricultural use to residential development it is inevitable that the landscape and ecological character of the area would irreversibly change. The application is accompanied by an Ecological Impact Assessment (November 2020) in which the site habitats are categorised as improved grassland with species rich hedgerows and two areas of relatively recent tree planting. 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. The submitted assessment states that the appraisal consisted of a desk study and field survey, with surveys for bat activity, dormice and reptiles. The field survey comprised an extended Phase 1 Habitat Survey and the basic conclusions were that the site was of local importance for bats in terms of commuting/foraging primarily associated with boundary hedgerows, not important for dormice or badgers and of local value for hedgehogs, birds and reptiles. The assessment identifies avoidance and mitigation to minimise any adverse impact.

If permission is forthcoming it is considered that the imposition of conditions requiring the development to be implemented in accordance with the recommendations set out

in the submitted Ecological Impact Assessment and the requirement for submission and approval of a biodiversity mitigation, enhancement and management prior to commencement on site. The illustrative layout plan indicates that the boundary hedgerows and trees would be retained. It is considered that this would be an important element of any development and should be subject of an appropriate condition if approval were granted, and this would then enable the matter to be looked at in more detail at the reserved matters stage.

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.

Flood Risk and Surface Water Management

The site is within Flood Zone 1 defined as being low risk comprising land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year. The surface water strategy is identified as comprising porous paving under private paving areas, an attenuation basin, swales and underground storage with a restricted discharge connecting to the northern detention basin on the adjoining residential development to the south of the site. The Lead Local Flood Authority have raised no objection in principle and recommend a condition relating to approval of the detailed drainage design for the site.

Public Opinion

This application has generated a considerable amount of public opposition both from residents who live close to the site and from other interested people. 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 as undeveloped space, and have concerns regarding other impacts of the development, particularly highway implications. 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 merely relying on overall landscape protection 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, education, GP provision contributions and agreement of future management of the open space if planning permission is

approved. The applicant is currently querying the education and GP provision contributions and in the absence of agreement to their inclusion within a S106 agreement, or in the event of a refusal of planning permission (in which case there would be no signed S106) this would amount to a reason for refusal.

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 61 dwellings (including 21 affordable units), provision of on-site open space, 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 intrusive visual impact created by the proposed 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

- 1) 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 and beyond. It will have a significant impact on the rural character of the Beacon Hill ridge and open undeveloped land forming part of the slopes above Pinhoe, which will detract from the landscape setting of this part of the city especially

viewed from the south and south-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 127(c) 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.

2) In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority which makes provision for the following matters:

- Affordable Housing
- Open space provision, maintenance and public access in perpetuity
- Education contributions
- GP provision contribution
- Highway/transportation related contributions

The proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6 and 10, policies CP7, CP9, CP10, and CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1 and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.