

## **PLANNING COMMITTEE**

Monday 28 June 2021

### **Present:-**

Councillor Emma Morse (Chair)  
Councillors Williams, Bialyk, Denning, Hannaford, Mrs Henson, Lights, Mitchell, M, Moore, D and Sparkes

### **Apologies**

Councillors Branston, Buswell, Martin and Sutton

### **Also Present**

Chief Executive & Growth Director, Liveable Exeter Programme Director and Interim City Development lead, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (MH), Democratic Services Officer (MD) and Democratic Services Officer (HB)

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### **MINUTES**

The minutes of the meetings held on 27 May and 7 June 2021 were taken as read, approved and signed by the Chair as correct.

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### **COUNCILLOR ALYS MARTIN**

Councillor Martin had submitted her apologies due to her need to meet Government's requirements to self-isolate in respect of Covid-19.

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### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

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### **PLANNING APPLICATION NO. 21/0223/OUT - LAND AT HOME FARM, PINHOE, EXETER**

The Principal Project Manager (Development) (MH) presented the application for outline planning permission for the construction of up to 61 dwellings and associated infrastructure

With reference to photographs, illustrative plans and the relationship to the surrounding rural and urban areas and adjacent properties the Principal Project Manager referred to the following key issues:-

- the principle of development;
- affordable housing;
- impact on access, local highways, landscape, heritage assets;
- scale, design, impact on character and appearance; ecological issues/habitats mitigation;
- flood risk and surface water management;

- Sustainable Construction and Energy Conservation;
- Economic benefits and CI/Section 106; and
- visual impact on landscape setting – relevance of conclusions on importance of this site remaining undeveloped when previous development was considered on appeal.

The Principal Project Manager (Development) provided the following additional detail:-

- the relationship of the development to the neighbouring development currently under construction on land to the south. A singular access would be provided on the southern boundary of the site via this neighbouring development which would connect via the road network of that development onto Church Hill;
- the receipt of a series of slides provided by an objector showing the views of the site and the impact of the development from various vantage points from the neighbourhood, within the city and outside the city boundaries;
- the receipt of 93 objections;
- the submission of an e petition of over 2,000 signatures entitled – “Protect Green Infrastructure in Pinhoe” to be considered at the Council meeting on 21 July 2021;
- the impact the built development would have on the overall landscape character of the area both locally and a wider landscape setting, was a fundamental consideration as to whether the scheme was acceptable whilst also taking into account material planning considerations and the Council’s lack of a five year housing supply; and
- it was 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.

Councillor Harvey, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- welcome the recommendation for refusal;
- very strong opposition to the development in Pinhoe including the 93 objections;
- whilst issues of concern such as impact on the landscape and biodiversity and highway matters are important, of greater significance is the need to protect the Green Circle around Exeter for future generations;
- with no bus service proposed and with a considerable distance from retail outlets such as Sainsbury’s and a Spar shop it is not a sustainable development. Residents will need cars to access the shops as the distance to the development is too great to walk; and
- the development would not meet the Council’s ambitions to become a Carbon Free city.

Mr Michael Bennett spoke against the application. He raised the following points:-

- the proposed site, known locally as ‘Higher Field’, forms the beginning of Exeter’s Northern Hills, and as such is an important part of the City’s landscape setting;
- the ancient Pinhoe Church, an important city landscape feature, lies on the mid contour of Higher Field;
- the view is far reaching and to lose this amenity would be devastating to the Pinhoe community which has already lost so much green space to development;
- it is visible from many recreation points including Woodbury Common, Ludwell and Barley Valley Parks and points along the Green Circle;

- Higher Field offers a valuable habitat for many species. Mitigation measures cannot replace the balanced ecosystem this field supports;
- this application has galvanised a petition to Exeter City Council to provide formal protection of Pinhoe's remaining green infrastructure which has registered over two thousand signatures;
- the recently adopted Exeter Transport Strategy outlines the ambition for 50% of trips to be made by walking or cycling but the applicant's Transport Statement estimates only a 20% active travel split and expects the majority of journeys to be made by car. Residents are concerned that the sheer gradient of the location will deter even 20% from walking or cycling. There are also concerns regarding the traffic impact of further development in Pinhoe;
- flooding is a reality in Lower Pinhoe and the loss of another natural water management system will compound the problem. It is difficult to see how 61 new homes would outweigh the adverse impact on the local and wider community, when, in May 2021, the Council was able to demonstrate a housing supply of four years and seven months; and
- once this green fringe is lost, the impact on the city's visual, ecological and human landscape is irreversible.

Members made the following comments:-

- the absence of an air quality assessment;
- unclear if the proposed mitigation measures would address possible problems of flooding;
- the Council's current housing supply of four years and seven months is close to the five year housing supply guideline and there is therefore a better position than was the case in respect of the adjacent development to resist an appeal; and
- the impact on the ridge line on this northern area of the city is significant.

The recommendation was for refusal for the reasons set out in the report.

The recommendation was moved and seconded and carried unanimously.

**RESOLVED** that outline planning permission for the construction of up to 61 dwellings and associated infrastructure be **REFUSED** for the following reasons:-

- 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.

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**PLANNING APPLICATION NO. 20/1446/FUL - 102 MAIN ROAD, PINHOE, EXETER**

The Assistant Service Lead Planning presented the application for a new dwelling with parking, landscaping and new works.

With reference to photographs, plans and the relationship to the surrounding rural and urban areas and to the presentation made at the previous Committee meeting, the Assistant Service Lead provided the following additional detail in respect of this site which formed part of an established residential plot and side garden of a Grade II Listed end-of-terrace thatched roof cottage and was primarily composed of the private garden area of 102 Main Road but also contained the vehicular access point that currently serves two occupied dwellings, 100 and 102 Main Road:-

- an updated visibility splay drawing;
- a shadow analysis report showing the development's impact compared to the existing at the summer solstice, equinox and winter solstice. Although there was some additional overshadowing in the afternoon around the equinox the impact on internal daylight levels would be minimal;
- the existing mature boundary hedge would be retained and maintained providing protection from headlights as would the parking area proposed being below the lawn area to the north with a retaining wall further shielding disturbance from headlights; and
- the receipt of 11 objections and one letter of support.

The Assistant Service Lead advised of the following responses:-

- no objection from Devon County Council, subject to the implementation of conditions prior to occupation including improved access, the provision of a visibility splay and removal of a lamppost;
- no response from East Devon District Council;
- conditions on construction hours recommend by Environmental Health; and
- no objections raised from Exeter City Council Heritage.

The following responses were made by the Assistant Service Lead to Members' queries:-

- a condition for the lamppost to be retained but removed to a different location at the cost of the applicant would be added. This would aid visibility;

- to improve visibility the vegetation and existing wall would be removed and a new wall provided;
- the reference to replacement vegetation of similar size and species was standard wording;
- permission to build an uncovered swimming pool is usually allowed under domestic permitted development rights; in this instance, it is proposed to remove the rights to do so by a condition to enable the local planning authority to retain control;
- an anticipated six vehicles a day, three in each direction could be expected normally; and
- the improvement to the access onto the driveway would offset the disadvantage of additional vehicles resulting from an additional dwelling.

Councillor Harvey, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- safety of pedestrians is a concern as there is only a pavement on one side of the road and it is necessary to cross the road from the front of these properties to access the bus stop;
- the recent site visit at 9:30 am clearly showed the danger to pedestrians, cyclists and motorists of this busy B3181 road;
- surprised by the views of the highway authority that the access will be improved even though there would only be a 12 metre visibility splay;
- the previously expressed concerns that the development is unsustainable remains;
- the scale, size and massing of the proposed dwelling dwarfs the neighbouring property of St Helena; and
- the development would not go towards the City's ambition of becoming carbon neutral.

Mr David Lawrence spoke against the application. He raised the following points:-

- the proposal will have a severe impact on family safety particularly when walking with son to school;
- the road is unsafe to cross;
- even with proposed improvements to the driveway there would remain a considerable drop on to the main road with the poor visibility remaining an issue - the access road is 10 feet above the main road;
- cars approaching from the south will be unable to see vehicles coming out of the driveway;
- on a 30 mph road, visibility to the driveway junction should be 23 metres not 11 metres;
- three vehicles from existing properties already use the driveway with an anticipated three or four more likely if the development proceeds; and
- no footpath is proposed for the driveway.

Responding to Members' queries, Mr Lawrence reiterated that the three parking spaces identified would create problems to the residents using the driveway and that other neighbours along this stretch of the road benefitted from purpose built laybys.

Members expressed diverging views on the value of an improved access, some feeling that the proposal remained of insufficient standard. Members also welcomed the relocation of the lamppost.

The County Development Manager - Highways and Transport advised that the existing access was severely substandard, offering only a few metres of visibility to the right in particular. The proposal significantly improved visibility to the right and also to the left due to the slight widening of the access and the ability for a driver to position their vehicle differently. Normally, six vehicle movements a day for a single dwelling, three in, three out could be expected in respect of the proposed dwelling. He confirmed that he was of the view that the significant improvement offsets the disbenefit of additional movements to visibility at the access. The improvements would make it safer for emerging drivers as well as drivers on the B3181 heading south-west towards Exeter. The conspicuity of the access would also be increased. It was noted that three allocated parking spaces serve existing dwellings, but this did not change his view.

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

The recommendation was moved and seconded and carried.

**RESOLVED** that the Service Lead City Development be authorised to **APPROVE** the application for a new dwelling with parking, landscaping and new works, subject to the following conditions:-

- 1) The development to which this permission relates must begin no later than the expiration of three years, starting with the date on which this permission is granted.

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

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 30 October 2020 and 01 December 2020 (including all drawings listed below), as modified by other conditions of this consent.

<i>Proposed Site and Roof Plan</i>	<i>0348_PIN_PL_1.1</i>
<i>Proposed Ground Floor Plan</i>	<i>0348_PIN_PL_2.0</i>
<i>Proposed First Floor Plan</i>	<i>0348_PIN_PL_2.1</i>
<i>Proposed West Elevation</i>	<i>0348_PIN_PL_3.0</i>
<i>Proposed South Elevation</i>	<i>0348_PIN_PL_3.1</i>
<i>Proposed East Elevation</i>	<i>0348_PIN_PL_3.2</i>
<i>Proposed North Elevation</i>	<i>0348_PIN_PL_3.3</i>
<i>Proposed Section AA</i>	<i>0348_PIN_PL_4.0</i>
<i>Proposed Section BB</i>	<i>0348_PIN_PL_4.1</i>
<i>Proposed Section CC</i>	<i>0348_PIN_PL_4.2</i>
<i>Proposed Street Elevations</i>	<i>0348_PIN_PL_3.4</i>

Reason: To ensure compliance with the approved details.

- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority, either as physical samples or in a detailed Materials Schedule document including the title, image and colour of each material finish. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. The materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: In the interests of good design and to ensure the materials comply with the visual amenity requirements of the site and surrounding area.

- 4) Before the first occupation or use of the dwelling now permitted, a detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. Where applicable, it shall specify tree and plant species and methods of planting. The hard landscaping shall be constructed as approved before the occupation/use of the development. The soft landscaping shall be planted in the first planting season following the occupation/use of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable. Any trees or plants which within five years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
Reason: In the interests of good design in accordance with Policy DG1 of the Exeter Local Plan First Review and paragraph 58 of the NPPF.
- 5) Visibility splays shall be provided, laid out and maintained for that purpose following a plan to be agreed in writing in advance by the Local Planning Authority in consultation with the Highway Authority, with no obstructions above a height of 0.6 meters above the adjacent carriageway level. This will necessitate the relocation of a lamp post under terms to be agreed with the Highway Authority.  
Reason: To provide safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.
- 6) No part of the development now approved shall be brought into its intended use until the vehicular turning head and cycle store as indicated on Drawing Number "0348\_PIN\_PL\_1.1" are fully implemented and operational.  
Reason: To provide safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.
- 7) Before commencement of construction of the superstructure of the development now permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures required to achieve this CO2 saving shall be implemented on-site. Within three months of practical completion, the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.  
Reason: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.
- 8) Before the occupation of any dwelling now approved, details of provision for nesting swifts shall be submitted to and agreed upon in writing by the Local Planning Authority. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained after that.  
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
- 9) Pre-commencement condition: No part of the development now approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.  
Reason for the pre-commencement condition: To ensure that adequate on-site facilities are available for the construction traffic attracted to the site. This information is required before development commences to ensure that the

impacts of the development works are correctly considered and addressed at the earliest possible stage.

- 10) No site machinery or plant shall be operated, no process shall be carried out, and no demolition or construction-related deliveries received or dispatched from the site except between the hours of 8 am to 6 pm Monday to Friday, 8 am to 1 pm Saturday, and at no time on Sundays, Bank or Public Holidays.  
Reason: To protect the amenity of the locality, especially for people living and or working nearby.
  
- 11) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken within the dwelling plot as shown on drawing no. 0348\_PIN\_PL\_1.1 without the express consent in writing of the Local Planning Authority, other than those works expressly authorised by this planning permission:-
  - Part 1, Class A extensions and alterations
  - Part 1, Classes B and C roof addition or alteration
  - Part 1, Class D porches
  - Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwelling house
  - Part 1 Class F hard surfacesReason: To protect residential amenity and to prevent overdevelopment.

#### Informatives

- 1) Following Paragraph 38 of the National Planning Policy Framework, the Council has worked positively and proactively and has imposed planning conditions to enable planning permission.
  
- 2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following the commencement of development. Accordingly, your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.  
It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged), the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information, please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).
  
- 3) Following the Conservation of Habitats and Species Regulations 2017, this development has been screened regarding the need for an Appropriate Assessment (AA). Given the nature and scale of the development, the proposal does not require an AA.
  
- 4) The applicant should be aware that this development is within a Smoke Control Area, which controls smoke emissions from domestic fires and solid fuel boilers. Advice on controlling the emissions from and health impacts of wood burning is available from [https://uk-air.defra.gov.uk/assets/documents/reports/cat09/1901291307\\_Ready\\_to\\_Burn\\_](https://uk-air.defra.gov.uk/assets/documents/reports/cat09/1901291307_Ready_to_Burn_)



Web.pdf. It is recommended that all new stoves meet the EcoDesign Ready standard.

In addition, careful design of the flue may be required to prevent the appliance from causing a nuisance by fume or odours.

For further advice, please contact the Environmental Protection Unit on 01392 265148.

- 5) Following consultation with the Council's Heritage Officer, the development does not require Listed Building Consent to be considered lawful.

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

The report of the Liveable Exeter Programme Director and Interim City Development Lead was submitted.

**RESOLVED** that the report be noted.

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#### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

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#### **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party is scheduled for will be held on Tuesday 13 July 2021 at 9.30 a.m. The Councillors attending will be Councillors Denning, Hannaford and Mrs Henson.

(The meeting commenced at 5.30 pm and closed at 6.37 pm)

Chair