

# Planning Committee Report – 20/0538/OUT

<b>1.0 Application Number:</b>	20/0538/OUT
<b>Applicant name:</b>	Mr Luke Salter, Salter Property
<b>Proposal:</b>	Outline application for up to 93 residential dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration) (Revised Scheme).
<b>Site address:</b>	Land Off Spruce Close And Celia Crescent
<b>Registration Date:</b>	22 May 2020
<b>Link to application:</b>	<a href="https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=Q9NR2CHBHGT00">https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=Q9NR2CHBHGT00</a>
<b>Case Officer:</b>	Matthew Diamond
<b>Ward Member(s):</b>	Cllr Naima Allcock, Cllr Emma Morse, Cllr Ruth Williams

REASON APPLICATION IS GOING TO COMMITTEE – The Liveable Exeter Programme Director and City Development Strategic Lead considers the application to be a significant application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

## 2.0 Update

- The application was deferred at the previous Planning Committee on 6 September 2021 for a site visit by the Planning Committee. This site visit took place on 28 September 2021.
- Devon Wildlife Trust withdrew its objection to the application on 8 September 2021; Sections 11.0 and 17.0 of this report have been updated accordingly.
- The applicant submitted a statement responding to the issues raised by Councillor Allcock at the previous Planning Committee meeting, and a Briefing Note by their planning consultant addressing saved Policy LS1 and Policy CP16, as well as relevant appeal decisions. These issues have already been dealt with in the report.
- Landscape/setting consideration – as a result of comments made by the Planning Committee on 6 September 2021, Officers instructed a chartered landscape architect to review the revised plans submitted, thus ensuring independent advice is provided to the Committee before making its decision. This report is attached for Members consideration, and the view expressed is consistent with the comments within this Committee report relating to the landscape setting of the city (see Section 17.0). The conclusion states:

*“The effects of the proposed development have been assessed by the LVA author and through a review and found to be very localised, having a moderate impact on the valued landscape characteristics and minimal impacts on views from within the landscape and of the setting of the city. The proposed siting within the context of retained traditional hedgebanks will allow the development to be relatively smoothly assimilated into the local landscape.”*

- Five Year Land Supply – since the previous Planning Committee the Council has reviewed and updated its Five Year Housing Land Supply Statement. This Statement states that the Council can demonstrate, for the period commencing 1 April 2021, a supply of five years and five months. Therefore, the Council can demonstrate the required five year supply of deliverable housing sites with an appropriate buffer. In terms of decision-taking, the implications of having a five year housing supply are clear: the relevant housing and other policies within the adopted development plan are not considered to be out of date and are to be applied. The presumption in favour of sustainable development (or ‘tilted balance’) as stated in paragraph 11d) of the National Planning Policy Framework 2021 does not outweigh the consideration of the application against the development plan in the first instance. For Members information this section of the NPPF states:

*(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date <sup>8</sup>, granting permission unless:*

*(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*

*(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

*Footnotes:*

<sup>7</sup> *The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 67); and areas at risk of flooding or coastal change.*

<sup>8</sup> *This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five*

*year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”*

- The planning assessment in Section 17.0 of this report concludes that the proposed development accords with the relevant policies of the development plan, except for the second part of saved Policy LS1, which prohibits housing in the Landscape Setting areas. Saved Policy LS1 has been deemed out of date and very limited weight can be given to it. Therefore, the overall conclusion and recommendation of this report remains the same despite the Council having a five year housing land supply.
- The recommendation previously included a condition for a Travel Plan. This proposed condition has been removed due to the proposed Section 106 contribution of £500 per dwelling towards travel planning in the area, an approach that is consistent with other applications for residential development.

### **3.0 Summary of Recommendation:**

DELEGATE to GRANT permission subject to completion of a S106 Agreement relating to matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

### **4.0 Reason for the recommendation: as set out in Section 19**

The proposal is considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework (NPPF) 2021 policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site. A S106 legal agreement and conditions are necessary to secure public open space, affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms.

### **5.0 Table of key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Impact on Landscape Setting/character and distinctiveness of the hills to the north of the city	The proposal is not on a ridgeline, against the skyline or isolated away from the built boundary. The site is very well enclosed by trees/hedgerows that will be retained and enhanced. The application will have minimal harm on the landscape setting of the city and the character and distinctiveness of the hills to the north as a whole and contiguous landscape. The application

Issue	Conclusion
	will secure the adjoining fields on the upper slopes as permanent public open space, which are more sensitive in landscape terms. The application accords with Policy CP16.
Loss of Open Space	The proposal will secure a total of 10.47ha of public open space, including c.9.13ha as New Valley Park on the adjoining upper slopes. A LEAP and LAP will be provided. This satisfies saved Policy L3 d) and NPPF 99 b) concerning the protection of open space.
Access and Impact on Local Highways	The proposal will facilitate an extension of the F1 bus route up Pinwood Meadow Drive through the site and down Celia Crescent/Chancellor's Way, enhancing sustainable travel choice to the development and neighbouring estates. Traffic Regulation Orders along Pinwood Meadow Drive will enhance its safety and functionality with no net loss of on-street parking for existing residents. The Local Highway Authority has no objections subject to s106 contributions. Stagecoach supports the development.
Five Year Housing Land Supply	The Council can demonstrate a sufficient housing land supply which ensures that all relevant policies within the development plan can be applied in the determination of this application.
Affordable Housing	35% of the dwellings will be secured as affordable housing in accordance with Policy CP7 delivering 32 affordable homes and a financial contribution for 0.55 of a dwelling towards off site affordable housing provision in the city.
Design	The application is outline, so detailed design will be considered at reserved matters. Officers requested the access through the public open space at the top of Spruce Close to be rerouted to

Issue	Conclusion
	<p>have less impact on the character and function of the open space. Compensatory open space will be provided on the site adjoining the existing open space. The Public &amp; Green Spaces Team have confirmed this is acceptable. Parameters plans and mood boards will be secured by condition.</p>
Impact on Trees	<p>The majority of trees/hedgerows will be retained, including all TPO trees. Two sections will need to be removed for access, however one comprises a high proportion of ash with limited life expectancy and the other comprises ash and elm recommended for removal on arboricultural grounds. Replacement and new tree planting will be provided. An appraisal of ash dieback has been provided – the effects on the site will be minimal and active management will be a benefit of the scheme. The Tree Manager has encouraged a tree planting plan for the New Valley Park, which can be included in a Landscape and Ecological Management Plan (LEMP).</p>
Impact on Biodiversity	<p>The Ecological Impact Assessment concludes the site is of district value, due to the species-rich hedgerows and bats and dormice using the site – one dormouse was found on the adjoining field during the survey period. Conditions will be added to secure the mitigation and enhancement measures required in accordance with standard practice. A Biodiversity Net Gain Assessment confirms the application will achieve biodiversity net gain. A proportion of CIL from the development will fund mitigation in regard to the Exe Estuary Special Protection Area (SPA).</p>
Impact on Air Quality	<p>The development will have negligible impact on air quality from traffic generation, but is likely to generate</p>

Issue	Conclusion
	dust during construction – the standard pre-commencement condition for a Construction Method Statement will be added to ensure appropriate mitigation measures. Electric vehicle charging points will be incorporated in the scheme.
Flood Risk and Surface Water Management	The site is in Flood Zone 1 where residential development is appropriate. A sustainable urban drainage system (SuDS) will be provided to ensure betterment in drainage/flood risk terms. This takes into account the effects of climate change. The Lead Local Flood Authority has no objections. The proposal will address issues of poor drainage raised by local residents.
Sustainable Construction and Energy Conservation	The standard condition will be added to ensure compliance with Policy CP15, taking into account national Planning Practice Guidance. The site is not located within or near to a Decentralised Energy Network (DEN) area, so connection is not possible. A Waste Audit Statement will be secured by condition.
CIL/S106	The proposal is CIL liable and will necessitate a s106 legal agreement to secure the obligations set out in the report.
Development Plan, Material Considerations and Presumption in Favour of Sustainable Development	The proposal is considered to accord with the development plan as a whole and there are strong material considerations to indicate planning permission should be granted.

## 6.0 Description of Site

The site comprises two fields to the northeast of residential properties on Celia Crescent and northwest of the public open space which is accessed from Spruce Close and Juniper Close, and part of the public open space and Spruce Close and adjoining verge/green space for access. The site is in Mincinglake and Whipton ward. The area of the site is 4.1ha. The two fields are designated as Landscape Setting on the Core Strategy Key Diagram and the Exeter Local Plan First Review 1995-2011 Proposals Map. The public open space accessed from Spruce Close and Juniper

Close is designated as Open Space on the latter; it is not designated as Landscape Setting. A Site of Nature Conservation Importance covers the vegetation along the northeast boundary of the lower field and the bottom right corner of the upper field, which continues behind the existing properties in Spruce Close and Tamarisk Close. Through this runs an incised stream designated as Flood Zone 2/3. The remainder of the site is in Flood Zone 1. The fields are bounded by mature hedgerows and trees. 16 trees along/adjacent to the southwest boundary of the fields have Tree Preservation Orders (13 oaks and 3 ash). There are no heritage assets on the site or in the vicinity.

The fields are used for agriculture, but are not intensively farmed. They are in an area of grade 3 agricultural land ('Good to Moderate' – grade 2 is very good and grade 1 is excellent). There are no public rights of way across them. However, the public have been able to access the land informally from the public open space adjacent to Spruce Close/Juniper Close and a short access road leading from Celia Crescent to the site boundary. This access road has footways on both sides and provides access to garages. People use the fields for recreation, primarily walking and dog walking. There is a link from the upper field to the field further up the slope to the northwest, which itself has links to the fields to the west and northeast. These fields are in the same ownership as the two fields subject of the application. They are also designated as Landscape Setting. The field to the west is also designated as a Site of Nature Conservation Interest. Informal footpaths crossing these fields and the fields subject of the application can clearly be seen on aerial imagery.

Celia Crescent joins Chancellor's Way to the south, which joins Beacon Lane further south. Chancellor's Way is served by the F1 bus route. Buses on this route currently need to carry out a reversing manoeuvre on Savoy Hill as part of the route. Spruce Close and Juniper Close join Pinwood Meadow Drive to the south, which joins Beacon Heath further south.

## **7.0 Description of Development**

The application has been submitted in outline with all matters reserved except access. The proposal is to develop up to 93 dwellings with access provided from the short access road leading from Celia Crescent to the site boundary and an access road across the public open space linking to Spruce Close. The access has been designed to facilitate an extension of the F1 bus route along Pinwood Meadow Drive/Spruce Close through the site and back along Celia Crescent/Chancellor's Way. This will create a bus loop, removing the reversing manoeuvre currently taking place on the route at Savoy Hill. This has been agreed with Stagecoach and Devon County Council as Local Highway Authority. The application was revised from up to 105 dwellings to up to 93, and the access through the public open space was realigned to reduce its impact on the public open space.

The applicant has submitted parameters plans for land use, density and scale, which can be secured by condition. These would restrict the developable area of the two

fields to c.2.58ha and preserve the remaining areas to the north, east and south as green space (c.1.32ha). They would restrict the development of the upper field to detached dwellings, whilst terraced, semi-detached or detached dwellings could be developed on the lower field. They would restrict the scale of the dwellings to a maximum of 9.5 metres on the upper field and 11 metres on the lower field. These details would be subject of a reserved matters application.

A parameters plan has also been submitted for open space. This includes a Local Area of Play (LAP) in the middle of the site and a Locally Equipped Area for Play (LEAP) on the green space at the top of the upper field. These have been requested and agreed by the Council's Public & Green Spaces Team. The parameters plan also includes the fields to the northwest, west and northeast of the site as New Valley Park (c.9.13ha). These areas of open space can be secured by s106 legal agreement. The total amount of public open space is 10.47ha.

A parameters plan has also been submitted for access and movement. This shows the routes of the: primary street, green streets, homezone streets, walking loop, foot/cycle ways and pedestrian routes in the New Valley Park. The existing access from the upper field will be retained and a new access created to the footpath between Lancelot Road and Savoy Hill.

An illustrative masterplan has been submitted indicating the layout of the development. This shows that the dwellings would be built up to the 115 metre contour line, the same as the highest dwellings on Celia Crescent. It indicates a green corridor/habitat buffer along the northeast boundary and a 5 metre maintenance buffer along the southwest boundary to protect the trees along this boundary. It also indicates a greenway partly along the boundary between the two fields. Mood boards have also been submitted showing the character, materials and colour palette of the dwellings in the lower and higher density areas, and the landscaping proposals in the New Valley Park.

Detailed access plans have been submitted. These show new bus stops approximately half way along Pinwood Meadow Drive, at the public open space adjacent to Spruce Close/Juniper Close and at the entrance to the site off Celia Crescent. The bus loop will be anti-clockwise only. Double yellow lines will be provided along parts of Pinwood Meadow Drive and Celia Crescent, as well as the access road from Celia Crescent, to protect the bus route and to improve the safety and functionality of these roads. Spruce Close will be realigned with new parking bays on either side. There will be no net loss of on-street parking for existing residents.

## **8.0 Supporting information provided by applicant**

- Design and Access Statement (Place by Design, 7 April 2020)
- Planning Statement (Rocke Associates, April 2020)
- Transport Assessment (PJA, March 2020)

- Landscape and Visual Impact Assessment Rev A (Redbay Design, 16 December 2019)
- Ecological Impact Assessment (EPS Ecology, December 2019)
- Arboricultural Report (Advanced Arboriculture, 8 April 2020)
- Heritage Statement Version 1 (AC Archaeology, April 2020)
- Archaeological Magnetometer Survey (Substrata, 15 February 2020)
- Phase One Geo-Environmental Assessment Version 1 (South West Geotechnical Ltd, January 2020)
- Flood Risk Assessment Rev B (AWP, 30 March 2020) – SUPERSEDED

#### Additional Information Submitted During Application

- Air Quality Assessment V2 Final (Kairus Ltd, 19 August 2020)
- Response to LPA comments on Revised LVIA (Redbay Design, 18 August 2020)
- Arboricultural Addendum – Appraisal of Ash Dieback Disease on Local Landscape (Advanced Arboriculture, 19 January 2021)
- Landscape and Visual Impact Assessment Addendum to accompany additional viewpoint and wireframe photomontages requested by Case Officer (Redbay Design, 11 June 2021)
- Flood Risk Assessment Rev C (AWP, 18 June 2021)
- Biodiversity Net Gain Assessment (EPS Ecology, 29 June 2021)

### **9.0 Relevant Planning History**

None.

### **10.0 List of Constraints**

- Landscape Setting
- TPO trees along/close to southwest boundary
- Site of Nature Conservation Importance along part of northeast boundary and other biodiversity constraints – Exe Estuary Special Protection Area, hedgerows/trees, protected species
- Flood zone 2/3 along part of northeast boundary (following line of stream)
- Potential archaeology
- Access

### **11.0 Consultations**

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

**Environment Agency:** No objection. The applicant has demonstrated that they have taken account of the fact that there will be an increase in the area that will discharge into the watercourse and that there will, in fact, be an overall reduction in the rate of discharge. There should therefore not be an increase in flood risk downstream.

**Natural England:** No objection. Within the 'zone of influence' for the Exe Estuary SPA – mitigation will be required and an appropriate assessment should be carried out in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). Generic advice on natural environment impacts and opportunities provided. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

**RSPB:** Pleased the Ecological Impact Assessment recommends placement of bird boxes and that details will be provided in a site-specific Ecological Mitigation and Enhancement Strategy (EMES), which will be made a condition of any planning approval. One integral bird box per dwelling should be provided. Swift boxes recommended, as they are used by all species. Don't recommend bird boxes in trees. Support accommodation for crevice roosting bats, bee bricks and "hedgehog highways". Disappointed EMES not provided as part of application. Recommendations unchanged following submission of revised plans.

**Devon & Somerset Fire & Rescue Service:** No objections. The drawings appear to satisfy the criteria required for B5 access and facilities under the Building Regulations. Consideration should be given at an early stage for the provision of fire hydrants. The Fire and Rescue Authority is a statutory consultee under the current Building Regulations and will make detailed comments at that time. No additional comments having studied the revised drawings.

**Police Designing Out Crime Officer:** No objection to revised scheme. It is welcomed that some aspects from the previous design that could contribute to the potential for crime and anti-social behaviour (ASB) have been removed. Comments and recommendations provided for detailed design should the application progress to reserved matters.

**NHS Devon Clinical Commissioning Group:** S106 contribution of £584 per dwelling sought to mitigate the impact on local healthcare facilities – Southernhay, St Leonards, Barnfield Hill and Foxhayes surgeries.

**South West Water:** Generally South West Water do not accept highway runoff, unless as part of an integrated development, wherein the majority of the impermeable surfaces contribution are attributed to roof and driveway impermeable areas. The applicant should discuss this with South West Water.

**Exeter International Airport:** The revised plans have been examined from an aerodrome safeguarding aspect and do not appear to conflict with safeguarding criteria.

**Stagecoach: Supports** – Stagecoach South West has been in ongoing discussion with the applicant, its consultant team, the Council as Local Planning Authority and Devon County Council as Local Highway Authority, for a considerable period, with a view to securing safe and effective access by public transport to this proposal. In so doing, it increases substantially both the convenience of access to the bus network for the immediate vicinity, and also substantially improves operating conditions for the existing route F1 serving the area. In particular, a reversing manoeuvre that currently must be performed at the existing terminus at Savoy Hill will be obviated... The proposals will permit the F1 service to operate around a terminal loop through the site, always in forward gear. This allows us to directly serve not only the site, but Pinwood Meadow Drive, and existing development to the west of the site further uphill than the current terminus. As such, convenient access to the service is assured for many more people. Chancellors Drive, no longer being served in two directions, also sees the number of bus movements each way halved... The route will continue to run every 30 minutes Monday-Sunday. We consider that this level of service is commensurate with the character of the area and the level of demand currently existing and likely to arise in the short term. Given the aspirations of national government through the national bus strategy, to greatly increase the attractiveness and use of public transport expressed in the National Bus Strategy for England, it is nevertheless conceivable that this frequency might rise, to operate perhaps up to every 20 minutes. We would stress that there are no current plans to do so.

**Devon County Council – Local Highway Authority:** No objections, subject to conditions and the following s106 contributions:

- £90k towards bus service
- £1,000 per dwelling towards walking/cycling measures in the area
- £500 per dwelling towards travel planning
- £15k towards traffic regulation orders

**Devon County Council – Lead Local Flood Authority:** No in-principle objections from a surface water drainage perspective. Pre-commencement conditions recommended. The proposed surface water drainage strategy complies with SuDS for Devon Guidance (2017). The applicant has committed to undertaking infiltration testing at the next stage of planning in line with the principles set out in the surface water management hierarchy. The surface water strategy comprises using an attenuation basin and swales offering above ground sustainable drainage techniques providing amenity, biodiversity and treatment of the runoff prior to restricted discharge into the watercourse. The highway drainage will drain at restricted rates into the south west water network.

**Devon County Council – Local Education Authority:** We have forecast that there is currently spare primary capacity to accommodate pupils at the local primary schools and therefore a contribution towards primary education would not be sought.

However, we have forecast that there is no spare secondary capacity to accommodate pupils at the local secondary schools and therefore we will request secondary education contributions against the 13.95 pupils expected to be generated from this development. The secondary contribution sought would be £330,963 (based on the DfE new build rate of £23,725 per pupil), or £3,558.74 per dwelling. The contributions will be used towards new secondary provision at South West Exeter. This new provision will release capacity at existing secondary schools across the city.

**Devon County Council – Waste Planning Authority:** A condition should be added to secure a Waste Audit Statement in accordance with Policy W4 of the Devon Waste Plan at reserved matters stage.

**Heritage Officer:** The standard C57/A38 pre-commencement condition should be added requiring a written scheme of archaeological work to ground truth the results of the geophysical survey and to confirm whether or not there are any other slighter remains present.

**Place Making Officer:** (NB. These comments relate to the original proposal and preceded the submission of further landscape and arboricultural information; no comments were made on the revised proposal for a smaller number of dwellings and New Valley Park, due to the officer leaving the authority. The Landscape comments commissioned from an independent chartered landscape architect are included with this report for Members to take into account):

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... 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 parcel of farmland would be to the detriment of the wider landscape and the rural character of the area, of which it is an integral part and could create a detrimental precedent resulting in further proposals on the neighbouring land owned by the applicant and potentially piecemeal development elsewhere in the area. 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. Similarly the proposals would be contrary to the Core Strategy Policy CP16 which includes protection of the character and local distinctiveness of the hills to the north of Exeter... The proposed south-eastern access road cuts through an existing green open space off Spruce Close identified in the local plan and subject to Policy L3, which would be visually very intrusive and which would have a very negative impact on the character of the area... Visual Effects: the report states that the boundary trees/hedges appear to be in good condition, however it is evident on site

that significant sections of the north-eastern and south-western hedgerows consists of elm trees many of which show the die-back characteristic of Elm Disease and which will inevitably affect the remainder thus opening views of the site and any future development.

**Environmental Health:** Recommend approval with conditions – CEMP, Contaminated Land and implementation of agreed scheme of electric vehicle charging provision as air quality mitigation.

**Service Manager Public & Green Spaces:** Following the inclusion of a LEAP, as well as a LAP, there is no longer an objection on play provision grounds. Agree that a more natural style of play equipment would be appropriate for the location at the entrance to the New Valley Park. Support the principle of an additional connection to/from the New Valley Park to the southwest. A s106 contribution of £13k is sought towards upgrading floodlighting and provision of seating/teen shelter/meeting points at Pendragon Road and Arena Park MUGAs, and Arena Skate Park.

**Tree Manager:** The proposal to cut through the existing tree group (A11) on the south eastern boundary from the public open space at Spruce Close will result in the loss of a number of trees. This is regrettable, but understandable, given that the aim is to reduce the overall impact of the site access on the existing public open space by realigning the access road through a smaller portion of the greenspace. If the layout is approved, then these trees should be replaced with a significantly robust planting scheme that is approved by the Council's Landscape Officer. Concerns have been raised by the Planning Officer about the loss of screening as a result of the proportion of ash that forms a component of the tree groups on the site boundaries. Owing to the mixed nature of the tree groups on the site boundaries and the high proportion of oak, along with the relatively high tree density, the overall effects of ash dieback and the associated landscape impacts are considered to be minimal. As pointed out by the Project Arboriculturist, the most significant ash trees on the site boundary are those contained within A13. The ash trees contained within A13 appear to be healthy at present, but the proposal to undertake tree planting to bolster the tree group, in anticipation of the potential loss of these trees is considered to be a sensible approach. The proposed New Valley Park on the north west of the site, provides the opportunity to undertake further tree planting in order to enhance the area and overall landscape character. The applicant is encouraged to produce a tree planting plan for this area, that incorporates a number of copses and individual trees that are in keeping with the surrounding landscape character and habitat types. The production of an agreed Tree Protection Plan and Arboricultural Method Statement needs to be made a reserved matter. This is to ensure that retained trees are adequately protected throughout the development phase of the project.

**Interim Waste, Recycling and Fleet Lead:** The access points from Celia Crescent and Spruce Close are ok for this part (of the application process).

**Building Control:** No comments under the Building Regulations.

**CPRE Devon: Objects** – (NB. The objection relates to the original proposal and preceded the submission of further landscape and arboricultural information, and a Biodiversity Net Gain Assessment; CPRE Devon did not comment on the revised proposal for a smaller number of dwellings and New Valley Park.)

The application fails to acknowledge up-to-date design guidance... The Planning Statement fails to demonstrate how the proposal will secure 'net gain' across each of the objectives of sustainability – economic, social and environmental... The applicant should be required to assess the scheme in accordance with the Defra Biodiversity Metric to see the level of biodiversity net gain... How do the site and scale of development support/compromise the Greater Exeter Strategic Plan? ... What is the agricultural classification? The NPPF places weight on the best and most versatile agricultural land. The Council need to be satisfied and able to demonstrate that this proposal delivers 'net' social and environmental 'gains' to the City, and will deliver high quality placemaking. Capitalizing on quantifiable opportunities to deliver health and wellbeing benefits to the community, through effective placemaking is becoming increasingly important, especially given the current pandemic.

**Devon Wildlife Trust:** Objected initially having raised concerns over the level of detail provided to support the Biodiversity Net Gain Assessment. Withdrew its objection following the submission of a letter by the landowner confirming that the land adjoining the site outlined in blue will be utilised in line with the Biodiversity Net Gain Assessment.

**Exeter Civic Society:** Very glad to see that this revised proposal has created a much better version of the development than the one objected to originally. Several of the changes are great improvements. The relocation of the access road from Spruce Close gives a wide area of grass large enough for impromptu ball games... The reduction in houses is welcome as the scope this gives to leave greater green space at the top of the sloping site is valuable both in giving a better long distance view of distance parts of Exeter and in giving recreational space within the estate, and with the green walkways and hedgerows on three sides of the housing area, encouraging wildlife. The New Valley Park is considered a very welcome opportunity, further preserving landscape views from afar, providing hillside for recreation, giving space for a LEAP for activities not catered for in the LAP and extending footpaths in several directions, including towards Mincinglake Valley Park. This proposal would benefit the wider local area and Exeter as a whole.

**Exeter Cycling Campaign: Objects** – There have been no meaningful improvements to enable people to walk and cycle around the proposed development... In order to retract our objection we ask for the following as a minimum:

- Protection for people walking and cycling through the pinchpoint to the east of Celia Crescent. This could be achieved by giving motor vehicles priority when travelling in one direction which would have the added benefit of reducing vehicle speeds around the development.
- Priority for people walking and cycling at junctions of cul-de-sacs using raised tables, contracting surfaces and parallel crossings as appropriate. The current tactile paving approach represents a very low level of ambition.
- Narrowing of the current wide junction splays to reduce the crossing distance for those walking and cycling. The current layout will require people walking and cycling to deviate from a desire line and may result in vehicles parking on junctions.

(NB. The above will be taken into consideration at the reserved matters stage should this outline application be approved.)

## 12.0 Representations

The application was advertised twice, for the original proposal in 2020 and revised proposal in 2021. Neighbours and objectors were also notified when further drawings were submitted. There were 467 contributors in total, 463 objections and 4 neutral. Many objectors to the original proposal objected again to the revised proposal. The following concerns were raised in the objections:

- The access to the site along Pinwood Meadow Drive is not appropriate, as it already has major traffic and parking issues
- Increased traffic along Pinwood Meadow Drive will not be safe
- Increased traffic will cause noise/air pollution
- Pinwood Meadow Drive and Celia Crescent are not appropriate for buses and emergency/delivery vehicles already struggle
- Loss of on-street parking from double yellow lines – will increase antisocial issues, will force parking lower down Pinwood Meadow Drive where there is a long blind bend
- Potential overspill parking from development
- The new road across the public open space will make it unsafe for children
- The new road across the public open space will harm its character and appearance
- The new road across the public open space will impact the residents facing onto it
- The new road across the public open space will cut through a line of trees
- The site location at the top of a hill is likely to increase car use
- The development will encroach on the hills and slopes – impact on landscape setting and character of city
- Impact on rural green space
- Impact on habitats/wildlife, including dormice, bats and other species
- Impact on mental wellbeing and physical health

- Impact on the neighbourhood/community
- Does not fit in with Liveable Exeter strategy
- Loss of exercise and dog walking area
- Would prefer no public access over development
- Public open space and fields above are well-used amenity by local residents
- Will cause more traffic congestion along Beacon Heath/Beacon Lane and at junctions
- Properties in Spruce Close already flood – development likely to increase flooding
- Impact on privacy from overlooking
- The dwellings will block sunlight/daylight
- Light pollution
- Securing additional green space commendable, but does not resolve traffic issues
- Impact on infrastructure from increased population, e.g. schools, GP surgeries
- Does not accord with development plan/2015 SHLAA
- Housing not needed for local population
- Proposed bus route could help reduce car use if a reliable and frequent service could be guaranteed, but it can't be guaranteed
- Cannot recall attempts by the landowner to prevent public access
- Building housing at the top of hills where there is no public transport means the city will fail zero carbon targets
- The fields and green suffer from extremely poor drainage... will not be improved by further building
- Access road off Celia Crescent is a garage forecourt
- Impact on garage users
- Double yellow lines will prevent vehicles parking in front of garages as they overhang the road
- The land is still used for silage cutting
- New Valley Park land is already used for amenity
- New Valley Park land should be transferred into public ownership and turned into a Community Asset, so it can be managed by a suitably qualified organisation
- Impact of construction traffic
- Housing should be in city centre with decline of city centre retail
- No local shops close to the site
- Drains become overwhelmed after heavy periods of rainfall
- Housing developments are not bringing the numbers of affordable housing needed for local people
- Concerns over road safety and privacy due to proposed bus stop outside nos. 15, 17 and 19 Pinwood Meadow Drive
- Impact of bus stop in public open space – noise, pollution and people congregating
- Impact of car parking on road through public open space on visual amenity

- Impact of double yellow lines at the bottom of Celia Crescent on on-street parking
- Impact of double yellow lines outside nos. 9-13 Pinwood Meadow Drive – access, highways safety and noise pollution

One objection was from the Royal Devon and Exeter NHS Foundation Trust unless a s106 contribution of £152,792 is secured towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development, as the Trust will not receive the full funding required to meet the healthcare demand due to the baseline rules on emergency funding and there is no mechanism for the Trust to recover these costs retrospectively. The contribution will be used directly to provide additional healthcare services to meet patient demand.

The following issues were raised in the neutral responses:

- Have school/GP capacity been considered?
- Are the plans to improve narrow access from Harrington Lane to Beacon Heath and the bridge under the train line and the bridge over the train line at Chancel Lane?
- Each property should have at least two parking spaces to reflect car ownership
- Wildlife tunnels should be provided between gardens
- Support creation of new parkland, which should be protected by covenant
- The objections about the loss of the land for walking, jogging etc. are unjustified, as the land is private
- Houses are required for increasing house buyers in the area and they can only be built on empty fields
- Exeter City Council has declared a climate emergency and applications must be assessed with regard to their carbon footprint and impact on biodiversity
- The Council must undertake and provide a full report on the carbon footprint of the build and its operational aspect (maintenance and running costs), the re-usability of materials utilised in the build when these reach their End of Life, the impact on bio-diversity of the build and assess how the design enables the dwellings to deal with climate change (flooding, heat waves, storms and other extreme weather conditions)
- Constructing a new development to meet climate change requirements, for example building to passive house standards, does not have major cost implications for the build and provides significant long-term benefits in running costs
- Clarity sought over which fields were proposed for development and which were “going to be given back to the community”.

## 13.0 Relevant Policies

### National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2021) – in particular sections:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Planning Practice Guidance (PPG):

- Air Quality
- Appropriate assessment
- Climate change
- Community Infrastructure Levy
- Design: process and tools
- Effective use of land
- First Homes
- Flood risk and coastal change
- Healthy and safe communities
- Historic environment
- Housing for older and disabled people
- Housing supply and delivery
- Light pollution
- Natural environment
- Noise
- Open Space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Travel Plans, Transport Assessment and Statements
- Use of planning conditions
- Waste
- Water supply, wastewater and water quality

National Design Guide (MHCLG, 2021)  
National Model Design Code (MHCLG, 2021)  
Manual for Streets (CLG/TfT, 2007)  
Cycle Infrastructure Design Local Transport Note 1/20 (DfT, July 2020)  
Protected species and development: advice for local planning authorities (Natural England and DEFRA, 7 January 2021)  
Protected sites and areas: how to review planning applications (DEFRA and Natural England, 5 August 2016)  
Biodiversity duty: public authority duty to have regard to conserving biodiversity (Natural England and DEFRA, 13 October 2014)  
Guidance for Outdoor Sport and Play Beyond the Six Acre Standard England (Fields in Trust, 2020)

### Development Plan

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives  
CP1 – Spatial Strategy  
CP4 – Density  
CP5 – Mixed Housing  
CP7 – Affordable Housing  
CP9 – Transport  
CP11 – Pollution  
CP12 – Flood Risk  
CP15 – Sustainable Construction  
CP16 – Green Infrastructure, Landscape and Biodiversity  
CP17 – Design and Local Distinctiveness  
CP18 – Infrastructure

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

AP1 – Design and Location of Development  
AP2 – Sequential Approach  
H1 – Search Sequence  
H2 – Location Priorities  
H7 – Housing for Disabled People  
L3 – Protection of Open Space  
L4 – Provision of Youth and Adult Play Space in Residential Development  
T1 – Hierarchy of Transport Modes  
T2 – Accessibility Criteria  
T3 – Encouraging Use of Sustainable Modes

C5 – Archaeology  
LS1 – Landscape Setting  
LS2 – Ramsar/Special Protection Area  
LS3 – Sites of Special Scientific Interest  
LS4 – Nature Conservation  
EN3 – Air and Water Quality  
EN4 – Flood Risk  
DG1 – Objectives of Urban Design  
DG5 – Provision of Open Space and Children’s Play Areas

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)

DD1 – Sustainable Development  
DD9 – Accessible, Adaptable and Wheelchair User Dwellings  
DD13 – Residential Amenity  
DD20 – Accessibility and Sustainable Movement  
DD22 – Open Space, Allotments, and Sport and Recreation Provision  
DD25 – Design Principles  
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:

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

Devon County Council Supplementary Planning Documents:

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

Exeter City Council First Homes Planning Policy Statement (June 2021)

Exeter City Council Annual Infrastructure Funding Statement (31 December 2020)

Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)

Revised Strategic Housing Land Availability Assessment (SHLAA) 2015

Visual Land Parcel Evaluation for Potential Residential Sites in Exeter (CEC, August 2013)

Green Infrastructure Study (April 2009)

Green Infrastructure Strategy – Phase II (December 2009)

Exeter Fringes Landscape Sensitivity and Capacity Study (February 2007)

Archaeology and Development SPG (November 2004)

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

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

## **15.0 Public Sector Equalities Duty**

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

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

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

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

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

## **16.0 Financial Issues**

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

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

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

## Material considerations

- 35% affordable housing (32 dwellings if 93 dwellings developed and financial contribution for 0.55 of a dwelling towards off-site affordable housing – cannot be calculated until reserved matters confirms dwelling sizes).
- 10.47ha of public open space including New Valley Park (c.9.13ha), habitat corridor and informal open spaces (c.1.28ha), LEAP (c.0.04ha) and LAP (c.0.02ha).
- £90,000 towards bus services.
- £93,000 towards walking/cycling measures in area (£1,000 per dwelling).
- £46,500 towards travel planning (£500 per dwelling).
- £15,000 towards Traffic Regulation Orders.
- £330,963 towards new secondary provision at South West Exeter (£3,558.74 per dwelling).
- £54,282 towards patient space at GP surgeries (£584 per dwelling).
- £13,000 towards upgrading floodlighting and provision of seating/teen shelter/meeting points at Pendragon Road and Arena Park MUGAs, and Arena Skate Park.

## 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 site. This proposal is CIL liable. The rate at which CIL is charged for this development is £80 per sq metre plus new index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website. The rate per sq m for residential development in 2021 is £118.93.

The proposal will generate council tax.

## **17.0 Planning Assessment**

The key issues are:

1. Impact on Landscape Setting/character and distinctiveness of the hills to the north of the city
2. Loss of Open Space
3. Access and Impact on Local Highways

4. Housing Land Supply
5. Affordable Housing
6. Design
7. Impact on Trees
8. Impact on Biodiversity
9. Impact on Air Quality
10. Flood Risk and Surface Water Management
11. Sustainable Construction and Energy Conservation
12. CIL/S106
13. Development Plan, Material Considerations and Presumption of Sustainable Development

#### 1. Impact on Landscape Setting/character and distinctiveness of the hills to the north of the city

Saved Policy LS1 states that development which would harm the landscape setting of the city will not be permitted, and proposals should maintain local distinctiveness and character, and be reasonably necessary for the purposes of agriculture, forestry, the rural economy, outdoor recreation or the provision of infrastructure... Any built development associated with outdoor recreation must be essential to the viability of the proposal unless the recreational activity provides sufficient benefit to outweigh any harm to the character and amenity of the area. Policy CP16 states that the character and local distinctiveness of the hills to the north of the city, together with other landscape areas, will be protected and proposals for landscape, recreation, biodiversity and educational enhancement brought forward, in accordance with guidance in the Green Infrastructure Strategy. The Key Diagram in the Core Strategy defines Landscape Setting areas in the city and the site subject of this application is within the Landscape Setting area covering the hills to the north of the city.

As Members will know, the Council has approved applications in the Landscape Setting areas (e.g. 19/0962/FUL) and has lost appeals for applications for development within them. (NB. There are currently other applications either pending or subject to appeal within these areas.) An appeal was allowed for residential development on the hills to the north of the city at Home Farm, Pinhoe in 2014 (appeal ref. APP/Y110/A/14/2215771). This is a material consideration for similar applications such as this. The Inspector concluded that saved Policy LS1 can be given little weight because the evidence base it relies on is not up-to-date. Policy CP16 was informed by the Exeter Fringes Landscape Sensitivity and Capacity Study (2007) ('the Fringes Study'), which superseded the evidence saved Policy LS1 was based on. The Inspector stated that Policy CP16 does not seek to prevent all development within the areas shown on the Key Diagram, but strives to ensure that development protects the character and distinctiveness of these areas. Officers consider Policy CP16 to be up-to-date and consistent with the NPPF 2021, which states that planning policies... should contribute to and enhance the natural and local environment by a) protecting and enhancing valued landscapes... (in a manner

commensurate with their statutory status or identified quality in the development plan); (paragraph 174).

The Fringes Study splits the areas of open space into different zones for assessment. The lower field on the site is in Zone 6 and the upper field is in Zone 4. Both are described as having high landscape sensitivity. Zone 6 is described as having medium-low capacity for housing and Zone 4 has low capacity for housing. As a comparison, the Home Farm application allowed at appeal was in Zone 8, also described as having high landscape sensitivity with medium-low capacity for housing (same as Zone 6). The Landscape and Visual Impact Assessment (LVIA) submitted with the application states that the Fringes Study makes quite broad-brush conclusions given the size of the zones and range of elevations within some of them. Notwithstanding, it's clear that any proposed development site in one of the Landscape Setting areas must be assessed individually to determine its impact on the character and distinctiveness of the areas listed in Policy CP16 in terms of its landscape sensitivity and visual amenity, following the Inspector's conclusions in the Home Farm appeal and the publication of the NPPF 2021.

The LVIA submitted with the application assessed the impact of the original proposal for 105 dwellings. It stated the original proposal would have had slight-moderate adverse impact on the landscape character of the area, commenting that: it would occupy a similar elevation to the existing dwellings in Celia Crescent; it would not appear on the ridgetop or break the skyline, so the upper slopes beyond the site would continue to form the landscape setting of the city; and the retention of almost all boundary trees/hedgerows would continue to contribute to the well-wooded appearance of the slopes, and the development would appear as part of the settled, but wooded, mid-slopes, presenting a transition from the settlement into its landscape setting rather than a 'hard edge' between one and the other. In terms of visual amenity, it stated the original proposal would have had moderate adverse impacts on Juniper Close and Celia Crescent due to the creation of access points, and from the surrounding elevated slopes which are used informally for recreation. Beyond this the site can only be viewed from certain locations, such as traffic corridors or elevated areas at a distance, where it is difficult to discern as the boundary trees/hedges merge with the well-wooded appearance of the wider slopes. The development would be contained by this vegetation and not be a prominent feature. Where perceptible, it would be seen in the context of the already settled mid-slopes and present a transition into the landscape setting from the settlement. Therefore it would have minimal adverse impact on visual amenity.

The dwellings in the original proposal went up to the 118m contour. Following discussions, officers negotiated that there should be no dwellings above the 115.5m contour line, the same as the dwellings at the top of Celia Crescent. This means almost half of the upper field would have no dwellings built on it, resulting in a larger area of public open space at the top of the site. In addition, officers negotiated the permanent retention of the three fields to the northwest, west and northeast, further up the slope, as public open space/New Valley Park. These fields, particularly the

larger field to the northwest, are more prominent in longer distance views in terms of being read as part of the hills to the north of the city and thereby contributing to its landscape setting.

The applicant submitted Mood Boards for the higher and lower density areas of the site. These show materials of red, beige and black colouration in order to fit into the character and distinctiveness of the landscape setting. Whilst the application is outline, a condition can be added to secure compliance with these.

The applicant submitted an Addendum to the LVIA to accompany an additional viewpoint requested by the Case Officer from Hillyfield Road and wireframe photomontages of the revised proposal. The Addendum states that the impact of the proposal on the additional view would be small, consistent with the other views, and the wireframe photomontages suggest that the development would actually be less visible than anticipated in the LVIA. It is noted the photos were taken in spring and the development would be more visible in winter when trees shed their leaves, however the overall conclusion is the proposed development would have a minimal adverse impact on the visual amenity of the outer edge of Exeter within around 1-3km southeast of the site.

Unlike other recent applications in Landscape Setting areas that have been refused by the Council, the proposal is not on a ridgeline or against the skyline. It is also not isolated away from the built boundary. The fields are very well enclosed by existing trees/hedgerows. This provides screening and reduces views out of the site towards the surrounding hills. The parameters plans will protect the existing trees/hedgerows and where it is necessary to remove trees for access, replacement planting will be provided and supplemented by street trees, as is now required by the NPPF 2021. The Tree Manager has confirmed that the effects of ash dieback will be minimal on the site. Whilst development on the site will clearly affect the character and distinctiveness of the fields when standing in them, as is the case with any development site, the key characteristic of the surrounding trees/hedgerows will remain and this has not been an issue for the other applications granted or allowed at appeal within the Landscape Setting area north of the city. In terms of views outside the site, following review of the above information and site visits, as well as visiting the locations of the viewpoints in the LVIA/LVIA Addendum, officers agree with the conclusions of the LVIA/LVIA Addendum in that the development will have minimal harm on the landscape setting of the city and the character and distinctiveness of the hills to the north of the city as a whole and as a contiguous landscape. Whilst there will be some moderate impacts on the immediate surroundings, these will be localised to views from Juniper Close/existing public open space to the southeast and the access from Celia Crescent. However, these impacts will be mitigated by retained/new tree planting. There is an informal footpath through the land to the east of the site, which connects to a bridleway to the south, where the views will be mitigated by the existing vegetation along the northeast boundary of the site and the development would be seen in the context of the existing housing in Spruce Close

and Tamarisk Close, so the character is already semi-urban/rural. The impact is not considered significant.

The proposal is therefore considered to accord with Policy CP16, subject to conditions securing the parameters plans and replacement tree planting to compensate for the loss of trees for access. Landscaping details would be secured through a reserved matters application, including appropriate boundary treatment for the access road through the public open space from Spruce Close. The proposal is considered to accord with the first part of saved Policy LS1, but clearly not the second part which prohibits housing development. However, as discussed above, this policy can only be afforded limited weight. The New Valley Park proposal, which will be secured as part of the application, accords with the second part of saved Policy LS1 though, as it will be 'for the purposes of outdoor recreation'. This is a material consideration that weighs in favour of the application, as it will retain the fields further up the slope in perpetuity, which contribute much more significantly to the landscape setting of the city, and removing the risk that these could be developed for housing at some point in the future.

Lastly, Members should be aware that approval of the application including the New Valley Park will formalise this as public open space, which will be a material consideration for other applications in the vicinity of the site in the Landscape Setting area.

## 2. Loss of Open Space

The site is privately owned, however the public have been able to access it informally for recreation purposes via the public open space to the southeast and the access off Celia Crescent. The definition of open space in the NPPF 2021 is:

*“Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.”*

Saved Policy L3 states that development on open space will only be permitted if:

- a) the loss of open space would not harm the character of the area; and
- b) the loss of open space does not fulfil a valuable recreational, community, ecological or amenity role; and
- c) there is adequate open space in the area; OR
- d) the loss of open space is outweighed by its replacement in the area by open space of at least equivalent recreational, community, ecological or amenity value (including, in particular, the provision and enhancement of equipped play space).

This policy is considered broadly consistent with the NPPF 2021 and therefore up-to-date. NPPF Paragraph 99 states:

*“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

In terms of the criteria in saved Policy L3, a) is not reflected in paragraph 99 of the NPPF, so is therefore not up-to-date, however it is covered by the discussion under ‘1’ above. In terms of b), the site clearly does provide a valuable recreational, community, ecological and amenity role to the local residents who use it; this isn’t reflected directly in the NPPF policy, although can be linked to NPPF 99 a). In terms of c), this is unknown as the Council does not have an up-to-date Open Space Audit; c) is consistent with NPPF 99 a). As the proposal cannot satisfy a) – c) of saved Policy L3, it leaves d), which is consistent with NPPF 99 b) – whether replacement open space can be provided in a suitable location.

Apart from concerns over vehicle access, loss of open space was the issue raised the most in objections, due to the physical and mental health benefits the open space provides, as well as its ecological value (discussed separately under ‘7’ below). At first the applicant considered the open space provided on the site as part of the development was sufficient to accord with saved Policy L3 d) and NPPF 99 b). However, following discussions with officers, it was agreed to increase the amount of open space on the site and include the three fields to the northwest, west and northeast as additional compensatory open space. It was also agreed to provide a LEAP, as well as a LAP, as part of the development. In total, 10.47ha of public open space will be secured. This is approximately 80% of the land affected by the application.

Some objectors have said that the New Valley Park is already used as public open space, so shouldn’t be counted as compensation. However, officers consider that securing this land as public open space through a s106 legal agreement in perpetuity combined with a Landscape and Ecological Management Plan (LEMP) to enhance its quality satisfies saved Policy L3 d) and NPPF 99 b). The applicant has submitted a letter stating that if the application is not successful the landowner would use the land for grazing stock, which would mean securing the land with fencing preventing public access to give it a viable long term use. Some objectors have stated they would

prefer this than see housing on the site. Whether the landowner carried this out or not, it's clear that many more residents value using the fields for recreation. It should not be forgotten that the land is private and access could be restricted at any time. Therefore, securing 10.47ha of open space as part of the application is considered to be a significant material consideration weighing in its favour. In accordance with saved Policy L3 d), equipped play space will also be provided as part of this. Lastly, the three fields in the New Valley Park provide far ranging views of the surrounding landscape and retaining them in perpetuity will benefit future generations.

### 3. Access and Impact on Local Highways

The concern raised the most in objections was vehicle access to the site via Pinwood Meadow Drive and Celia Crescent, and the impact of additional traffic on these roads and at the junctions at Beacon Heath and Beacon Lane. Further concerns have been raised regarding the feasibility and impact of extending the F1 bus route up Pinwood Meadow Drive, through the new development and down Celia Crescent/Chancellor's Way. The opportunity of extending the bus route was identified by Devon County Council Highways in line with policies to enhance sustainable modes of travel. Extensive discussions have taken place between Devon County Council, Stagecoach, the applicant's transport consultants and the Case Officer to secure this route and ensure that it is safe and viable. The extension of the bus route will not only provide a sustainable mode of transport to residents of the new development, but also residents of Pinwood Meadow Drive and the adjoining cul-de-sacs, and the higher part of Celia Crescent. It enhances the sustainability of the proposed development significantly and supports the aim of reducing carbon emissions.

Devon County Council Highways does not object to the application. The applicant has agreed the following s106 contributions requested by the Highway Authority:

- £90,000 towards bus services
- £93,000 towards walking/cycling measures in area (£1,000 per dwelling)
- £46,500 towards travel planning (£500 per dwelling)
- £15,000 towards Traffic Regulation Orders

Stagecoach has written a letter of support.

Many of the objections concern the issue of on-street parking along Pinwood Meadow Drive and Spruce Close, particularly as some houses do not have driveways and a few don't have permission to park in front of garages in rear parking courts. There is a lot of on-street parking along Pinwood Meadow Drive at present resulting in pinch points making access difficult, particularly for larger vehicles. The Traffic Regulation Orders will provide double yellow lines along parts of Pinwood Meadow Drive to allow access for buses. However, the scheme has been designed to ensure no net loss of on-street parking. It will also improve the safety and functionality of the

road for existing users. For example, at present cars park on the inside bend outside nos. 9-21 Pinwood Meadow Drive, forcing vehicles to drive in the right lane around the bend coming up the hill with no visibility of oncoming traffic. A bus stop and double yellow lines will be placed here forcing people to park on the other side of the road. This will mean people can drive up the hill around the bend safely in the left lane and vehicles coming in the opposite direction will have better visibility of these vehicles before overtaking any parked vehicles on their side. Double yellow lines will also be placed outside nos. 45-53 Pinwood Meadow Drive removing four on-street spaces. This will remove the pinch point that occurs outside no. 53 Pinwood Meadow Drive with vehicles parked on the opposite side of the road slightly further along, which restricts access by larger vehicles including emergency vehicles. The four spaces will be compensated for by 7 new bay parking spaces either side of the realigned Spruce Close. It's noted that 7-8 spaces will be lost that currently park along Spruce Close, however people parking here to access the fields will be reprovided for within the development and there will be space for 9-10 vehicles to park along the access road through the public open space if needed.

One objection concerned the placement of a bus stop directly adjacent to no. 63 Pinwood Meadow Drive and associated amenity impacts. Following discussions with Environmental Health and Stagecoach, it was agreed to relocate this to the public open space. This fits in with Stagecoach's guidelines, as it will be a sufficient distance away from active frontages, but will still be overlooked for safety.

There were also a few objections concerning the placement of double yellow lines either side of the access to the site from Celia Crescent. This will prevent parking along the street and outside garages. It's considered that there is satisfactory space along Celia Crescent to absorb this parking. There is not enough space to park in front of the garages off the street, so it will also stop parking on the footways.

Overall, the application is considered to accord with Policy CP9 and saved Policies T1 and T3 by incorporating the F1 bus route through the site, making it a sustainable urban extension. This will also benefit existing/future residents of the nearby estates by providing an alternative, sustainable mode of travel to the private car.

#### 4. Housing Land Supply

The Council is required to demonstrate a five year housing land supply; in its latest five year housing land supply statement, dated September 2021, it can demonstrate a deliverable housing supply equating to five years and five months. The statement has been prepared in accordance with the National Planning Policy Framework and Planning Practice Guidance.

In terms of decision-taking, the implications of having a five year housing supply are clear. If a Council cannot demonstrate sufficient supply of housing land then it has a direct impact upon the weight that can be afforded to development plan policies. In

NPPF paragraph 11 it states that, when determining planning applications, the presumption in favour of sustainable development (often referred to as the “tilted balance”) should be applied where there are no relevant development plan policies or where relevant policies are out of date.

The Council’s ability to demonstrate a deliverable housing supply in excess of five years means that the relevant planning policies in the development plan should be applied; previously they could have been considered out-of-date and the presumption in favour of sustainable development was automatically applied. This is a notable shift in the context of how applications for housing developments are to be considered.

## 5. Affordable Housing

The applicant has agreed to provide 35% affordable housing in accordance with Policy CP7. If the maximum number of dwellings applied for was approved through a reserved matters application, this would deliver 32 affordable dwellings on the site. A financial contribution will also be secured towards the provision of affordable housing off site in the city to cover 0.55 of a dwelling, in accordance with the Affordable Housing SPD. These obligations will be secured in a s106 legal agreement.

## 6. Design

The application is in outline with all matters reserved except access, therefore detailed design addressing the reserved matters of layout, scale, appearance and landscaping will be dealt with through a subsequent reserved matters application. Conditions will be added to ensure compliance with the submitted parameters plans and Mood Boards.

One issue of design that was discussed was the route of the access through the public open space to the southeast. In the original proposal, the access went straight through the middle of the space. This was to comply with a right of way for animals and agricultural vehicles, and a covenant allowing access across the public open space should planning permission be granted for residential development on the site. However, officers considered that this would cause too much harm to the character and function of the public open space by splitting it in half and therefore asked the applicant to reroute it further north. This retains a much larger area of open space to the south with a smaller amenity area to the north in front of nos. 14-17 Spruce Close. The boundary treatment of the access road will be determined at reserved matters, but is likely to include knee rail fencing and planting. In terms of saved Policy L3, new public open space will be provided to the south of the site adjacent to the existing public open space to compensate for the loss caused by the access. The Public & Green Spaces Team have confirmed this is acceptable. They have also agreed that the LEAP should use natural style play equipment to fit in with the semi-rural character, in accordance with saved Policy DG1(c)(i).

## 7. Impact on Trees

As described in Section 6.0 above, the site is bounded by hedgerows with many trees, including TPO trees along the southwest boundary. The access from Spruce Close will require the removal of a section of a copse, however this contains a high proportion of ash with limited life expectancy. The arborist recommends replanting along the southeast boundary to compensate for this loss. No trees will need to be removed to create the access from Celia Crescent, however the arborist recommends the groundworks are undertaken with an arboricultural watching brief. The lower section of the line of trees between the two fields will need to be removed for the continuation of the access road. This section (ref. A8 in the Arboricultural Report) comprises ash and elm trees, and is therefore recommended for removal (Category U). The Parameters Plans and Illustrative Masterplan show that the remaining trees between the fields and around the boundary won't be affected by the proposed development. A 5m maintenance buffer has been accounted for along the southwest boundary. The root protection zones of the trees will be taken into account in the detailed design of the layout at reserved matters stage. Pre-commencement conditions will be added to secure tree protection measures during the construction stage and an Arboricultural Method Statement.

In terms of ash dieback, the applicant submitted an appraisal by the arborist identifying where ash will need to be removed. It states that 'the significant majority of the ash removals are effectively accommodated by silvicultural thinning, and therefore the overall mass of any given area will remain largely unaffected, with its density being temporarily reduced'. It recommends one area where replacement tree planting would be beneficial for screening in the long-term, which is in the southwest corner of the site. A condition can be added to secure this as part of the landscaping details at reserved matters. The appraisal concludes 'that the impact of ash dieback on the scheme as a whole is limited, and the active management of ash on and surrounding the site is a clear benefit of the scheme, noting that in the absence of any development proposals, there would be little or no compulsion for considered management of these trees.'

The Tree Manager has no objections, subject to replacement planting in regard to the access from Spruce Close, and considers further planting in the southwest corner to be a sensible approach. They have also encouraged a tree planting plan for the New Valley Park, incorporating copses and individual trees. This can be included as part of the LEMP secured by s106 legal agreement. The revised NPPF (2021) strongly encourages street trees, which will be in addition to any mitigation planting.

## 8. Impact on Biodiversity

The Ecological Impact Assessment states there are two main habitats on the site: semi-improved grassland fields and species-rich hedgerows. The former are

described as having site value and the latter as having district value. There is also a species-poor hedgerow along the top of the southwest boundary behind houses in Celia Crescent.

In terms of protected species, the site is used by bats for foraging, particularly along the northeast boundary, and a dormouse was found close to the site in the field to the northwest during the survey period (15 May-4 November 2019). No other evidence of dormice was found, however it has been assumed that the hedgerows on the site support dormice. Clearly the hedgerows and trees within them support nesting birds during the breeding season. There was no evidence of any bat roosts on or close to the site, or of any other protected species using it. NB. Some of the bat species recorded were Species of Principle Importance under s41 of the NERC Act 2006.

Overall the site was considered of local/parish value to bats and of district value to biodiversity as a whole. This is due to the species-rich hedgerows, classified as a Habitat of Principle Importance under s41 of the NERC Act 2006, and the protected species mentioned above.

The Ecological Impact Assessment predicts the impacts from the construction and operational phases of the development on the habitats and protected species, and where these will be possible, identifies mitigation and enhancement measures. This was based on the original proposal for 105 dwellings, covering a larger area of the site than the revised proposal for 93 dwellings. No significant impact is predicted as a result of the loss of semi-improved grassland. The vast majority of the boundary hedgerows will be retained, but where some loss would occur (e.g. ref. G1 in Ecological Impact Assessment / A8 in Arboricultural Report), it will be replaced on a 1:1 basis by replanting suitable native species elsewhere on site and removal will be subject to Mitigation Method Statements for dormice and nesting birds; as dormice are European protected, the developer will also need to apply for a license from Natural England. The ecologist states that all mitigation and enhancement measures in the report will be included in an Ecological Mitigation and Enhancement Strategy to be conditioned and will be overseen by an ecological clerk of works/appointed ecologist. However, officers consider that separate conditions should be added for the mitigation required for the construction phase and mitigation and enhancement required for the occupational phase. Other standard conditions should be added, e.g. hedgerow/tree protection fencing, no removal of vegetation during the bird nesting season and integrated bat/bird boxes in the dwellings. A condition should also be added for a Lighting Design Strategy to maintain "dark areas", i.e. light spill no greater than 0.5 lux, to protect light sensitive bats. This can be achieved through the site layout and hoods/cowls, etc.

A Biodiversity Net Gain Assessment was submitted to accompany the revised proposal for 93 dwellings and the inclusion of the three adjoining fields as New Valley Park. Through appropriate management of the New Valley Park, which will be achieved through a LEMP secured by s106 legal agreement, a net gain of 10.42% for

habitat units (grassland and woodland) and 12.48% for hedgerow units was calculated, although this did not take into account the tree planting plan recommended by the Tree Manager (see '6' above) which would likely increase the former. It also didn't take into account the placement of bat, bird and dormouse boxes in suitable locations, as per the enhancement strategy, or natural SuDS features (see '9' below).

Devon Wildlife Trust originally objected to the Biodiversity Net Gain Assessment because it is not supported by detailed landscaping proposals or a LEMP. However, National Planning Practice Guidance states that biodiversity net gain can be achieved on-site, off-site or through a combination of both, and planning conditions or obligations can be used to require that a planning permission provides for works that will measurably increase biodiversity. This is the case for this application. The Trust has withdrawn its objection.

With reference to The Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to the potential impact on the Exe Estuary Special Protection Area (SPA). This AA has been carried out and concludes that the development could have an impact in combination with other residential developments primarily associated with recreational activity of future occupants. However, this impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils, and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

Subject to the conditions/obligations above, the proposal is considered to accord with Policy CP16 concerning bringing forward proposals for biodiversity enhancement, saved Policy LS4 and paragraphs 174 and 180 of the NPPF 2021.

## 9. Impact on Air Quality

The applicant submitted an Air Quality Assessment for the original proposal, following an objection from Environmental Health. This predicts the development will have negligible impacts from traffic generation, but is likely to generate dust during construction necessitating mitigation/management to limit the impact on nearby properties – this is the case for most construction sites. The report includes mitigation measures, which should be incorporated into a Construction Method Statement secured by pre-commencement condition. Whilst the impacts of the development are not significant, the report commits to providing rapid charge electric vehicle charging points at a rate of 1 per 10 dwellings and 1 per 10 unallocated parking spaces, as well as a travel plan to try and reduce traffic related emissions. Environmental Health

has recommended the charging points are secured by condition. The proposal accords with Policy CP11 and saved Policy EN3.

#### 10. Flood Risk and Surface Water Management

Policy EN4 does not permit development if it would be at risk of flooding. The development is within Flood Zone 1 and the proposed use is classified as 'more vulnerable' (see PPG). 'More vulnerable' uses are appropriate in Flood Zone 1, therefore the proposal accords with Policy EN4.

Policy CP12 requires all development proposals to mitigate against flood risk utilising SuDS where feasible and practical. A Preliminary Drainage Layout has been submitted for the revised proposal comprising a combination of natural SuDS features and attenuation that will outflow into the stream to the northeast of the site, which connects to Pin Brook. The strategy accounts for runoff up to the 100 year return period and the upper end allowances for climate change (40%), providing betterment over undeveloped conditions, where the rate and volume of runoff would continue to increase due to climate change. This will address the issues some local residents have raised regarding poor drainage of the existing site leading to localised flooding problems for Spruce Close properties.

Devon County Council as Lead Local Flood Authority has no objections to the surface water drainage proposal, subject to a pre-commencement condition for the detailed design of the system and detailed proposals for the construction phase. Runoff from the access road through the public open space will outflow to the existing South West Water sewer via an attenuated system. South West Water has confirmed this is acceptable provided there is a catchpit immediately upstream of the flow control chamber, which is owned and maintained by the highway authority.

Therefore, the proposal accords with Policy CP12 and paragraphs 167 and 169 of the NPPF 2021, as it will not increase flood risk elsewhere and it incorporates sustainable drainage.

#### 11. Sustainable Construction and Energy Conservation

Policy CP15 requires development proposals to demonstrate how sustainable design and construction methods will be incorporated. The Planning Statement states that the development will provide energy efficient buildings and the Design and Access Statement states there could be a low carbon approach to building design, but no details are provided, which is not surprising as the application is outline.

Policy CP15 requires residential development to be zero carbon from 2016. However, national Planning Practice Guidance states that local planning authorities can set energy performance standards for new housing that are higher than the building

regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes. Therefore, this is the standard currently sought in respect of energy and CO2 emissions for residential development within the city. The standard conditions should be added accordingly.

Policy CP13 requires new development with a floorspace of at least 1,000 sq m, or comprising 10 or more dwellings, to connect to any existing, or proposed, Decentralised Energy Network (DEN) in the locality. The site is not located within an existing DEN or within one of the proposed DEN areas referred to in emerging Policy DD32, as shown on the Development Delivery DPD Proposals Map.

Policy W4 of the Devon Waste Plan requires planning applications for major development to include a Waste Audit Statement. The Waste Planning Authority has recommended this is secured by condition.

## 12. CIL/S106

The proposed development is CIL liable, as it is for residential development. The rate for permission granted in 2021 is £118.93 per sq m. This is charged on new floorspace, but does not include social housing provided a claim for social housing relief is made. As the application is outline, the CIL liability cannot be calculated until reserved matters details are submitted.

The following obligations will be secured in a s106 legal agreement and have been agreed with the applicant:

- Adjoining fields become permanent public open space/New Valley Park and Landscape and Ecological Management Plan (LEMP) to manage.
- Management company to manage/maintain public open space on the site including LEAP and LAP.
- 35% affordable housing in accordance with Policy CP7 (32 dwellings if 93 dwellings developed and financial contribution for 0.55 of a dwelling towards off-site affordable housing – cannot be calculated until reserved matters confirms dwelling sizes).
- £90,000 towards bus services.
- £93,000 towards walking/cycling measures in area (£1,000 per dwelling).
- £46,500 towards travel planning (£500 per dwelling).
- £15,000 towards Traffic Regulation Orders.
- £330,963 towards new secondary provision at South West Exeter (£3,558.74 per dwelling).
- £54,282 towards patient space at GP surgeries (£584 per dwelling)
- £13,000 towards upgrading floodlighting and provision of seating/teen shelter/meeting points at Pendragon Road and Arena Park MUGAs, and Arena Skate Park.

In accordance with the advice given to Planning Member Working Group in August 2019, the £152,792 contribution requested by the Royal Devon and Exeter NHS Foundation Trust towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development is not considered to comply with the CIL/NPPF tests for obligations and therefore is not sought and has not been agreed. This is consistent with other decisions the Council has made on major residential applications where similar requests have been made by the NHS Foundation Trust and also appeal decisions where the contribution has been challenged by developers and Inspectors have not included it.

### 13. Development Plan and Material Considerations

Following assessment of the application, it's considered that the proposed development accords with the relevant policies of the development plan, except for the second part of saved Policy LS1, which prohibits housing in the Landscape Setting areas. However, this policy can be given little weight following the Home Farm appeal decision (see '1' above). The key in-principle policies are CP16, saved Policy LS1 and saved Policy L3. Respectively these protect the character and distinctiveness of the hills to the north of the city, protect the landscape setting of the city, and permit development on open space only if certain criteria are met. Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. If Members consider the application fails against any of the above development plan policies, officers consider there are material considerations that indicate that planning permission should be granted, in particular the social and environmental sustainability benefits of securing the adjoining fields as public open space/New Valley Park in perpetuity and the extension of the F1 bus route. This is in addition to the other sustainability benefits of providing 35% of the dwellings as affordable housing, biodiversity enhancement measures, sustainable drainage system, and local highways improvements.

Should Members consider that securing the adjoining fields as public open space/New Valley Park would not compensate for the loss of the site as open space because they are already publicly accessible, Members should also consider that this land and the site are private and public access could therefore be prevented by the landowner at any time. The proposal will secure the whole of the New Valley Park land, not just the informal footpaths, as public open space in perpetuity and enhance its accessibility, amenity and biodiversity value for the benefit of current and future generations. The applicant stated that the landowner would be willing to transfer the New Valley Park land to the Council. This is something that could be discussed and agreed outside the scope of the application.

## 18.0 Conclusion

In conclusion, the application is considered to accord with relevant development plan policies and brings a number of sustainability benefits. It is clearly very contentious in the eyes of local residents who are used to using the fields for recreation and they provide a sense of well-being, however the land is private and public access could be prevented at any time. The application will secure 10.47ha of public open space, far more than a typical residential development of this scale. This is approximately 80% of the land affected by the application. Furthermore, the land secured on the upper slopes is the most sensitive in landscape setting terms and offers the best views of the surrounding hills and landscape. This land will be secured in perpetuity benefitting not just current, but future generations as well. It will effectively stop any further development encroachment into the countryside in this part of the city and provide an appropriate 'edge' to the city transitioning from higher density to lower density residential development on the wooded mid-slopes to public open space that will be enhanced for its accessibility, amenity and biodiversity value.

## 19.0 RECOMMENDATION

### **A) DELEGATE TO DEPUTY CHIEF EXECUTIVE TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:**

- Adjoining fields become permanent public open space/New Valley Park and Landscape and Ecological Management Plan (LEMP) to manage.
- Management company to manage/maintain public open space on the site including LEAP and LAP.
- 35% affordable housing in accordance with Policy CP7 (32 dwellings if 93 dwellings developed and financial contribution for 0.55 of a dwelling towards off-site affordable housing).
- £90,000 towards bus services.
- £93,000 towards walking/cycling measures in area (£1,000 per dwelling).
- £46,500 towards travel planning (£500 per dwelling).
- £15,000 towards Traffic Regulation Orders.
- £330,963 towards new secondary provision at South West Exeter (£3,558.74 per dwelling).
- £54,282 towards patient space at GP surgeries (£584 per dwelling)
- £13,000 towards upgrading floodlighting and provision of seating/teen shelter/meeting points at Pendragon Road and Arena Park MUGAs, and Arena Skate Park.

All S106 contributions should be index linked from the date of resolution.

And the following conditions:

## 1. Reserved Matters

Details of the layout, scale, appearance and landscaping (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

**Reason:** To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.

## 2. Standard Time Limits – Outline Planning Permission

Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.

**Reason:** To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.

## 3. Approved Plans

The development hereby permitted shall be carried out on the land outlined in red on drawing number 1000 Rev E ('Location Plan') and shall not be carried out otherwise than in accordance with the plans listed below, unless modified by the other conditions of this consent:

- Parameters Plan Land Use (1150 Rev F)
- Parameters Plan Density (1151 Rev F)
- Parameters Plan Scale (1152 Rev E)
- Parameters Plan Access & Movement (1153 Rev F)
- Parameters Plan Open Space Provision (1154 Rev G)
- Mood Board – Higher Density Area (001 Rev A)
- Mood Board – Lower Density Area (001 Rev A)
- Preliminary Road Design Celia Crescent Access (04268-A-SK110-P4)
- Site Layout Swept Path Assessment (04268-TR-007-P1)
- Spruce Close access and parking arrangement south east of site (04268-A-SK124-P4)
- Spruce Close proposed bus stop locations (04268-A-SK125-P4)

**Reason:** To ensure compliance with the approved drawings.

## 4. Replacement Tree Planting

The application(s) for approval of landscaping as a reserved matter shall include replacement tree planting on the site to compensate for the loss of trees for access, including new trees in the southwest corner of the site.

**Reason:** In the interests of visual amenity and screening taking into account the submitted Arboricultural Report – Addendum.

#### 5. Lighting Design Strategy – Dark Areas

The application(s) for approval of the reserved matters shall include a Lighting Design Strategy to maintain “dark areas” on the site incorporating:

- a) A map showing the “dark areas” that will be maintained on site.
- b) An evidence based assessment of light levels of the development, including buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site with the levels of predicted illuminance and light spill in and adjacent to the “dark areas” shown by appropriate isolines.
- c) Evidence to demonstrate that a light spill no higher than 0.5 lux will be achieved within the “dark areas”.
- d) Where c) is achieved either fully or in part through landscaping, details of the landscaping and its management to ensure it will maintain the “dark areas” in perpetuity. These details shall be incorporated into the details of landscaping and Landscape and Ecological Management Plan (LEMP) where applicable.

The Lighting Design Strategy shall be implemented and maintained as approved.

**Reason:** To prevent disturbance to bats taking into account the submitted Ecological Impact Assessment.

#### 6. IPF Safeguarding Assessment

The application(s) for approval of scale as a reserved matter shall include an Instrument Flight Procedure (IFP) safeguarding assessment of the development.

**Reason:** To ensure aviation safety is maintained, in accordance with the consultation responses of Exeter International Airport.

#### ***Pre-commencement Details***

#### 7. Archaeology

No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in

accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

## 8. Surface Water Drainage

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
- b) A detailed drainage design based upon the approved Flood Risk Assessment Land off Spruce Close, Exeter, 0777 Rev C dated 18th June 2021 and the results of the information submitted in relation to (a) above
- c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- e) A plan indicating how exceedance flows will be safely managed at the site.
- f) Evidence there is agreement in principle from South West Water for the new connection into their system.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

**Reason:** The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

## 9. Contamination

No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

**Reason:** To protect the health and amenity of residents and visitors. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

#### 10. Arboricultural Method Statement and Tree Protection Plan

No development (including ground works) or vegetation clearance works shall take place until an Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. This information shall be prepared in accordance with BS 5837:2012 ('Trees in relation to design, demolition and construction'), or any superseding British Standard, and include details of tree/hedgerow protection fencing, which must be erected prior to the commencement of the development and retained until the completion of the development. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Arboricultural Method Statement and Tree Protection Plan shall be adhered to throughout the construction of the development.

**Reason:** To protect the trees and hedgerows to be retained in the interests of the amenities of the area and biodiversity, in accordance with saved Policy LS4 of the Exeter Local Plan First Review and the Trees in Relation to Development SPD (September 2009). These details are required pre-commencement as specified to ensure that trees and hedgerows to be retained are not damaged by building operations or vegetation removal, including their biodiversity interests.

#### 11. Construction and Environmental Management Plan (CEMP)

No development (including ground works) or vegetation clearance works shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with clause 10 of BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Mitigation Method Statements, in accordance with the recommendations of the submitted Ecological Impact Assessment.
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- e) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- f) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.

- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

**Reason:** To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted Ecological Impact Assessment. A CEMP is required before any development begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

## 12. Construction Method Statement

No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to measure and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to measure and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the Local Planning Authority.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

**Reason:** To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

## 13. Waste Audit Statement

Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

**Reason:** To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

### ***Pre-specific Works***

#### 14. Bird Nesting Season

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird nesting season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If nesting birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

**Reason:** To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraphs 179 and 180 of the NPPF (2021).

#### 15. Energy Performance Standard

Prior to the construction of the foundations of any dwelling hereby permitted, the Design SAP calculation(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwelling(s) will achieve a 19% reduction in CO<sub>2</sub> emissions in relation to the level required to meet the 2013 Building Regulations. No individual dwelling shall be occupied until the As-Built SAP calculation of the dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that a 19% reduction in CO<sub>2</sub> emissions in relation to the level required to meet the 2013 Building Regulations has been achieved.

**Reason:** To ensure the dwelling(s) will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development. (Advice: Please see Paragraph: 012 ID: 6-

012-20190315 of the National Planning Practice Guidance on Climate Change for background information.)

## 16. Materials

Prior to the construction of any dwelling hereby permitted (except the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall be constructed in accordance with the approved materials.

**Reason:** To ensure good quality design and local distinctiveness, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 130 of the NPPF (2021).

## 17. Nesting and Roosting Boxes

Prior to the construction of any dwelling hereby permitted (except the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the dwellings shall be submitted to and approved in writing by the Local Planning Authority (with a minimum overall average ratio of 1 built-in nest/roost site per dwelling – provision can be more concentrated on dwellings in more suitable locations). The approved details shall be fully implemented as part of the development and retained thereafter.

**Reason:** To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021).

## 18. External Lighting

No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

**Reason:** To ensure lighting is well designed to protect the amenities of the area and wildlife.

## ***Pre-occupation***

## 19. Highways 1

Prior to the occupation of any dwelling which is accessed from Celia Crescent, the access arrangements indicated on Drawing Number SK110-P4 ('Preliminary Road Design Celia Crescent Access') shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The access arrangements shall be maintained in accordance with the approved details at all times thereafter.

**Reason:** To ensure that a safe and suitable access to the site is provided for all users, in accordance with paragraphs 110 and 112 of the NPPF (2021).

## 20. Highways 2

No more than 50 dwellings shall be occupied until the access arrangements on Spruce Close/Pinwood Meadow Drive and link road through the open space as indicated on Drawing Number SK124-P4 ('Spruce Close access and parking arrangement south east of site') have been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The access arrangements and link road shall be maintained in accordance with the approved details at all times thereafter.

**Reason:** To ensure that a safe and suitable access to the site is provided for all users, in accordance with paragraphs 110 and 112 of the NPPF (2021).

## 21. Highways 3

No more than 50 dwellings shall be occupied until a vehicular/pedestrian/cycle route from Celia Crescent to Spruce Close/Pinwood Meadow Drive capable of accommodating bus flow through the site has been provided to a specification previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates, and to ensure that a safe and suitable access to the site is provided for all users, in accordance with Policy CP9 of the Core Strategy and paragraphs 110 and 112 of the NPPF (2021).

## 22. Charging Points

Prior to the occupation of 90% of the dwellings hereby permitted, rapid charge electric vehicle charging points will be provided on the site at a rate of 1 per 10 dwellings with allocated parking and 1 per 10 spaces for unallocated parking (subject to sufficient capacity in the local network). The charging points shall be maintained at all times thereafter.

**Reason:** To mitigate environmental impacts from traffic emissions in accordance with Policy CP11 of the Core Strategy, taking into account good practice guidance in

Land-Use Planning & Development Control: Planning for Air Quality (IAQM, January 2017) and paragraph 112e) of the NPPF (2021).

### 23. Cycle Parking

No dwelling shall be occupied until cycle parking has been provided for the dwelling in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The parking shall accord with the minimum parking standards for residents in Table 2 of the Sustainable Transport SPD and be designed in accordance with the guidance contained therein. The cycle parking shall be maintained at all times thereafter.

**Reason:** To encourage cycling as a sustainable mode of transport in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport Supplementary Planning Document (March 2013).

### 24. Car Parking

No dwelling shall be occupied until the car parking for the dwelling and access thereto has been provided and made available for use. The car parking shall be maintained at all times thereafter and kept permanently available for the purpose of car parking.

**Reason:** To ensure that adequate car parking is provided and maintained for the dwellings, in the interests of highway safety and to protect the amenities of the neighbourhood.

### 25. Biodiversity Enhancement

Prior to occupation of any dwelling hereby approved an Ecological Mitigation and Enhancement Strategy (EMES) for the operational phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The EMES shall be prepared in accordance with BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and take into account the mitigation and enhancement measures in section 5.0 of the submitted Ecological Impact Assessment. The EMES shall be implemented as approved.

**Reason:** To protect and enhance biodiversity on the site in accordance with Policy CP16 of the Core Strategy, and paragraph 180d) of the NPPF (2021).

### ***Post Occupancy***

### 26. Removal of Permitted Development Rights

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking,

re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

Part 1, Class A – enlargement, improvement or other alteration of a dwellinghouse

Part 1, Class AA – enlargement of a dwellinghouse by construction of additional storeys

Part 1, Class B – additions etc to the roof of a dwellinghouse

Part 1, Class C – other alterations to the roof of a dwellinghouse

Part 1, Class D – porches

Part 1, Class E – buildings etc incidental to the enjoyment of a dwellinghouse

Part 1, Class F – hard surfaces incidental to the enjoyment of a dwellinghouse

Part 1, Class G – chimneys, flues etc on a dwellinghouse

Part 1, Class H – microwave antenna on a dwellinghouse

**Reason:** To ensure minimum garden sizes are maintained in accordance with chapter 7 of the Residential Design SPD, to protect the character and local distinctiveness of the area in accordance with Policy CP16 of the Core Strategy, and so that the Local Planning Authority retains control over the development to ensure that a consistent design quality is maintained in accordance with chapter 12 of the NPPF (2021).

**B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 11 APRIL 2022 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER**

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters –

- Adjoining fields become permanent public open space/New Valley Park and Landscape and Ecological Management Plan (LEMP) to manage.
- Management company to manage/maintain public open space on the site including LEAP and LAP.
- 35% affordable housing in accordance with Policy CP7 (32 dwellings if 93 dwellings developed and financial contribution for 0.55 of a dwelling towards off-site affordable housing).
- £90,000 towards bus services.
- £93,000 towards walking/cycling measures in area (£1,000 per dwelling).
- £46,500 towards travel planning (£500 per dwelling).
- £15,000 towards Traffic Regulation Orders.

- £330,963 towards new secondary provision at South West Exeter (£3,558.74 per dwelling).
- £54,282 towards patient space at GP surgeries (£584 per dwelling)
- £13,000 towards upgrading floodlighting and provision of seating/teen shelter/meeting points at Pendragon Road and Arena Park MUGAs, and Arena Skate Park.

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP7, CP9, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L3, L4, T1, T3 and LS4, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.