

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 10th October 2022
Report of: City Development Strategic Lead
Title: Appeals Report

Is this a Key Decision? No

Is this an Executive or Council Function? No

1. What is the report about?

- 1.1 The report provides Members with information on latest decisions received and new appeals since the last report.

2. Recommendation:

- 2.1 Members are asked to note the report.

3. Appeal Decisions

- 3.1 [20/0538/OUT](#) – **Land Off Spruce Close And Celia Crescent** – *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).*

The appeal was allowed.

The Inspector considered the proposal would be a sustainable urban extension to Beacon Heath and therefore compliant with Policy H1. In terms of impact on landscape setting/character and local distinctiveness of the hills, the Inspector considered that the value and sensitivity of the Landscape Setting area increases beyond the developable area of the site (above the 115m AOD contour) and the site is read in the context of the housing that already exists along the urban fringe. The proposals would concentrate development on the parts of the site that are already influenced by built form and would retain and supplement natural boundaries and a landscape 'buffer'. The Inspector summed this up by saying that the development would 'not appear piecemeal but relative to the urban fringe, low on the hillside, and well contained and softened by mature vegetation' – they also noted that the more 'sensitive and visually prominent' open land above the site would be secured as new Valley Park in perpetuity, preventing its future development. However, despite this, at a local level the Inspector considered the development would cause an urban intrusion onto the site, 'weakening its open verdant and undeveloped character', which would be apparent in nearby views. Therefore, the Inspector found 'some harm' to the character and local distinctiveness of the hills, conflicting with Policy CP16 and the spatial element of saved Policy LS1.

In terms of saved Policy L3/NPPF 99 and the protection of open space, the proposed informal open spaces within the site would 'more than make up for' the quantitative loss of the part of Juniper Green that would be bisected by the access road. The s106 would secure additional landscaping along the access road that would reduce its visual impact and create a natural barrier to influence play and activities away from it. The proposals would also allow existing residents to access the proposed LAP and LEAP within the development, which are supported by saved Policy L3. In terms of whether the two fields within the site met the definition of open space within the glossary of the NPPF, the Inspector stated the site 'is private land with no formal rights of way across it and is not public open space'. Overall there would be no conflict with saved Policy L3 and NPPF 99.

Regarding housing supply, the Inspector removed several sites with outline consent from the supply and applied a ratio to the two co-living schemes included, so that the units could not be counted 1:1. The Council did not have a 5 year housing land supply at the time of the inquiry and the Inspector considered that the shortfall was not as 'modest' as purported by the Council, but materially worse. The Inspector did not identify a precise housing land supply figure.

In terms of planning balance, the Inspector gave 'significant weight' to the delivery of market housing in the context of national policy to significantly boost the supply of homes and the Council's housing supply shortfall. 'Substantial weight' was given to the affordable housing given the context of a 'demonstrably acute and persistent under-delivery of affordable housing'. The new Valley Park carries 'moderate weight' in the scheme's favour. 'Moderate weight' was also given to the economic benefits and extended and enhanced bus service, offering improved choice of sustainable travel to future occupiers and existing residents. Other factors, such as highways and flood risk issues, were given neutral weight. The benefits were weighed against the conflicts with Policy CP16 and saved Policy LS1. Overall the Inspector considered that the adverse impacts would not significantly and demonstrably outweigh the benefits, with the 'tilted balance' engaged.

A Unilateral Undertaking submitted with the appeal secures: 35% affordable housing (70% social rented); provision of open space (LEP and LEAP), Valley Park and their management and maintenance; formal and informal open space, including SuDS; Travel Plan; and financial contributions towards youth facilities, GP surgery, secondary education, walking and cycling, bus service, travel plan and TRO costs. Insufficient evidence was provided to justify the Royal Devon University Healthcare Foundation Trust contribution in terms of the 'tests' in the view of the Inspector, although this is also included in the Unilateral Undertaking.

4. New Appeals

4.1 [22/0018/FUL](#) – 45 Pennsylvania Road – *Three storey rear extension.*

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Director of City Development

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report:

Letters, application files and appeal documents referred to in report are available for inspection from: City Development, Civic Centre, Paris Street, Exeter

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