

# Planning Committee Report 22/0756/FUL

## 1.0 Application information

Number:	22/0756/FUL
Applicant Name:	Mr Hill,
Proposal:	Proposed development of six detached, 5-bedroom residential dwellings and associated access and landscaping.
Site Address:	Newbery Car Breakers, Redhills, Exeter
Registration Date:	26 May 2022
Link to Documentation:	<a href="https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RCHSEUHBGS600">https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RCHSEUHBGS600</a>
Case Officer:	Christopher Cummings
Ward Member(s):	Cllr Bialyk, Cllr Knott, Cllr Sutton

At the Delegation Briefing meeting held on 31 January 2023, Members considered that it would be in the public interest for this application to be determined by the Planning Committee.

## 2.0 Summary of recommendation

Recommended to grant subject to conditions

## 3.0 Reason for the recommendation:

The site has several previous consents for dwellings, and there is consent for a significant development to the north and west of the site. Whilst this development will see an increase from the previously consented five dwellings to six, there is adequate on-site space for this additional dwelling without significant impacts.

Access will be via the existing Redhills access, and there are not considered to be any significant highway impacts. Whilst a footway was discussed, the scale of development would not make this a requirement. It is noted that a development to the north will provide widening and footways on Redhills as part of its conditions, however this application is considered to be acceptable as submitted without a footpath being provided.

The dwellings are of a good size, with extensive gardens and have been confirmed to provide suitable light levels.

The protected trees bordering the site are to be retained, and suitable ecological mitigation will be secured via a condition.

Overall, the proposal is considered to accord with national and local policy and recommended for conditional approval.

#### 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The principle for residential development has been established through previous consents and is acceptable subject to the material planning considerations of this report.
Scale, design, impact on character and appearance	<p>The site is within a designated landscape area; however, in accordance with the previous approvals on the site and the Outline approval to the north, it is not considered to have a significant impact on this.</p> <p>The dwellings encircle a central road with suitable space for access and turning by refuse or other vehicles.</p> <p>The dwellings have acceptable materials, and although almost identical in design, the site is primarily screened from public view and using different colours will help break up the monotony.</p>
Impact on amenity	<p>All dwellings meet the Nationally Described Space Standards and have extensive gardens confirmed to provide suitable light levels. Existing neighbours to the south are far away and screened by trees and hedgerows.</p> <p>The development to the north is also screened by trees and hedgerows and has no finalised site design. As such, it is not considered that there are any significant amenity impacts.</p>
Contamination	The submitted reports identified potential contamination risks in the north-west corner of the site. A submitted remediation strategy was

Issue	Conclusion
	found acceptable, and its matters will be required via a condition. With the remediation strategy, the risks to human health are considered acceptable.
Biodiversity	The site is bordered by trees covered by a Tree Preservation Order, and all of these are proposed to be retained. In terms of biodiversity, bats and dormice are identified in the area, and suitable mitigation measures will be required via condition per Council Ecologist recommendations.
Highways	<p>The proposal will see a new road utilising the existing access from Redhills. The access is acceptable as existing, and suitable parking will be provided, with cycle storage required via a condition.</p> <p>Concerns were raised over the lack of dedicated footway on Redhills; however, due to the scale of development, it is not considered necessary to provide one. It is noted that the Outline approval to the north for 80 dwellings will see this road widened and a 2m footway installed as part of their condition requirements, which will benefit this site long-term.</p>
Drainage	The submitted Ground Investigation Report notes that infiltration drainage will not be possible at this site. An attenuation tank and connection to the existing SWW drainage system are proposed. This is considered acceptable subject to final detailing via a condition.

## 5.0 Description of site

The application site is a former scrapyard located in the Redhills area to the city's north-west. There is an existing access on the western boundary onto Redhills, opposite the junction to Barley Lane. There are existing dwellings to the north-west on the west side of Redhills, with fields to the north and north-east. Barley Lane runs

along the site's western side, with the east and south-east bordered by an area of woodland. Further to the south east is residential development along St Peters Mount.

The site is a 0.33 hectares plot, gently sloping to the south and bordered on all sides by existing trees covered by several Tree Preservation Orders. The site is within a designated Landscape Setting and east of a designated area of local interest for Nature Conservation. Existing dwellings in the surrounding area are a mix of detached and semi-detached to the north-west along Redhills and detached to the south-east, along St Peters Mount.

It is noted that there is an extant Outline consent ([20/1380/OUT](#)) to the north and west of the site, separated by the existing trees and woodland for 80 dwellings.

## **6.0 Description of development**

Proposed development of six detached, 5-bed dwellings and associated access and landscaping.

The dwellings are proposed to be three-storey detached properties, with the top floor incorporated into the roof space. They encircle a central road connecting the existing western access to Redhills. It is proposed that each dwelling will have a private driveway and an integral double garage.

The existing trees surrounding the site are proposed to be retained in full.

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

- 21014 Planning Statement (May 2022)
- Design Statement (received 19 July 2022)
- 6169 Phase 1 Contamination Report (May 2018)
- 6169/GIR Ground Investigation Report (March 2021)
- 6169/RS – Phase 3 Remediation Strategy
- KS/6169/TN Additional Contamination Testing Note (15 December 2021)
- Landscape and Visual Appraisal (July 2022)
- 507.4.113A Illustrative Perspective (March 2021)
- 507.4.114A Illustrative Perspective (March 2021)
- 507.4.115A Illustrative Perspective (March 2021)
- 507.4.116A Illustrative Perspective (March 2021)
- The Barleys Maps Figure Set (July 2022)
- Viewpoints Figure Set (July 2022)
- 2225/TS BS5837:2012 Tree Survey (19 May 2022)
- 2225/AIA Rev B BS5837:2012 Arboricultural Impact Assessment (06 December 2022)

- 220525 Rev 02 Impact Assessment (June 2022)
- 507.4.1221 Plot 6 Comparison to ECC Residential Design Guide SPD (October 2022)
- 507.1.122 Illustrative Plot 6 Shadow Study Jun/Jul/Aug (October 2022)
- 7082 Technical Note – Highways (February 2022)

## 8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
<a href="#"><u>17/1928/OUT</u></a>	Outline application for five dwellings (All Matters Reserved).	PER	31.07.2018
<a href="#"><u>22/0756/FUL</u></a>	Proposed development of six detached, 5-bedroom, residential dwellings and associated access and landscaping.	PCO	
<a href="#"><u>03/0906/FUL</u></a>	Residential development to provide three detached dwellings with garages, alterations to existing access to highway and associated works	PER	30.06.2003
<a href="#"><u>02/0078/RES</u></a>	Residential development to provide 3 dwellings and improvements to access to highway, design, landscaping and external appearance (Approval of reserved matters pursuant to outline approval <a href="#"><u>98/0602/01</u></a> dated 19 January 1999)	PER	23.04.2002
<a href="#"><u>00/1819/OUT</u></a>	Residential development to provide 5 dwellings, parking and access to highway (approval sought for access and siting)	REF	01.02.2001

<a href="#"><u>00/1200/OUT</u></a>	Residential development to provide 5 dwellings, parking and access to highway (approval sought for access and siting)	REF	03.11.2000
<a href="#"><u>98/0602/OUT</u></a>	Erection of 3 dwellings and associated access (approval sought for siting and access)	PER	19.01.1999
<a href="#"><u>85/0786/FUL</u></a>	Variation of planning permission to allow stacking of cars for dismantling and removal from site	PER	25.07.1985

The following site history is considered relevant in the context of this application:

<b>Reference</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
<a href="#"><u>21/1377/OUT</u></a>	Land East of Barley Lane, EX4 1SU	Outline planning application for a residential development of up to 9 dwellings and associated infrastructure.	REF (dismissed at appeal)	12.04.2022
<a href="#"><u>20/1380/OUT</u></a>	Land at Redhills, Exwick Lane	Outline planning application for up to 80 dwellings and associated infrastructure (All matters reserved except for access).	REF (allowed at appeal)	18.06.2021

## 9.0 List of constraints

The following aspects are constraints on this site:

- Potentially contaminated land
- Radon potential
- Smoke control area

- Tree Preservation Orders along the site boundaries.
- Mature woodland to the west and south
- Within a designated Landscape Setting
- East of a designated area of local interest for Nature Conservation

## 10.0 Consultations

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

Natural England – A Habitat Regulations Assessment will need to be undertaken to assess impacts on the protected European Marine Sites.

RSPB – Recommended integral swift boxes to be incorporated into each dwelling, bee bricks, hedgehog highways and provision for bats.

DCC Highways – No objection to proposal. The development will use the existing access and the level of pedestrian movements is not high enough to require footway installation on Redhills. It is noted that an appeal to the north of site will see significant road and footway improvements to Redhills.

DCC Education - When factoring in approved but unimplemented housing developments and outstanding local plan allocations, DCC has forecast that there is enough spare primary and secondary capacity to accommodate the number of pupils expected to be generated from this development and no contribution is sought.

ECC Environmental Health – No objection subject to conditions. Initially raised objections requiring submission of Phase 1 and 2 Contamination Reports to support remediation strategy. Following the submission of these, it was confirmed that there is a risk of contamination in the north-west corner of the site and that the proposed Phase 3 Remediation Strategy was suitable to mitigate this risk.

ECC Ecologist – No objection subject to conditions. The submitted Ecological Appraisal noted bats on site, and as such, conditions will be required concerning a sensitive light scheme and mitigation should any tree crowning occur. Dormice surveys were not up to guideline levels; however, this can be successfully mitigated by including details in the CEMP alongside the sensitive lighting scheme. Japanese Knotweed was noted at the site, and this will be required to be removed.

ECC Arboriculturist – No in-principle objection to the proposal. Submitted documents set out tree protection measures, and all protected trees are to be retained. The sun study submitted demonstrates suitable sunlight to dwellings, and the proposal will not impact trees.

ECC Urban Design and Landscape Officer – Commented on the potential impact of surrounding trees and the need for management and maintenance access for trees. Noted that vehicles dominate the front of the site and that there is repetition in building design.

Exeter Civic Society – Object to the proposal. The use of the site for residential is supported; however, the proposal is not the most efficient use of the land and a higher density level, with smaller dwelling sizes, is more appropriate.

## **11.0 Representations**

Two objections have been received, raising the following concerns:

- The number of dwellings was the main stumbling block on previous applications, and the previous approval of 5 houses is sufficient.
- An increase in dwelling numbers will be a poor use of the site and impact each property's space.

## **12.0 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: optional technical standards  
Housing supply and delivery  
Land affected by contamination  
Natural environment  
Noise  
Planning obligations  
Renewable and low carbon energy  
Transport evidence bases in plan making and decision taking  
Travel Plans, Transport Assessment and Statements  
Use of planning conditions  
Viability  
Waste  
Water supply, wastewater and water quality

National Design Guide (October 2019)  
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)

CP1 – Spatial strategy  
CP4 – Density  
CP5 – Mixed Housing  
CP7 – Affordable Housing  
CP9 – Transport  
CP11 – Pollution

CP12 – Flood Risk  
CP13 – Decentralised energy networks  
CP14 – Renewable and Low Carbon Energy  
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  
E3 – Retention of employment land or premises  
H1 – Search sequence  
H2 – Location priorities  
H3 – Housing sites  
H7 – Housing for disabled people  
L4 – Provision of playing fields  
T1 – Hierarchy of modes  
T2 – Accessibility criteria  
T3 – Encouraging use of sustainable modes  
T5 – Cycle route network  
C5 – Archaeology  
LS2 – Ramsar/Special Protection Area  
LS3 – Sites of Special Scientific Interest  
LS4 – Nature Conservation  
EN2 – Contaminated land  
EN3 – Air and water quality  
EN4 – Flood risk  
EN5 – Noise  
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

#### The Exeter Plan – Outline Draft Plan (September 2022)

S1 – Spatial Strategy

S2 – Liveable Exeter delivery principles  
CE1 – Net Zero Exeter  
CE3 – Flood Risk  
H1 – Housing Requirement  
EJ2 – Retention of Employment Land  
STC1 – Sustainable Movement  
STC2 – Active and Sustainable Travel in New Developments  
STC3 – Active Travel Proposals  
STC4 – Public Transport Proposals  
STC5 – Digital Communications  
NE3 – Biodiversity  
NE4 – Green Infrastructure  
HH1 – Conserving and Enhancing Heritage Assets  
D1 – Design Principles  
H1 – Health and Wellbeing  
IC1 – Delivery of Infrastructure  
IC2 – Community Facilities

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 2021/22 Report

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

Archaeology and Development SPG (November 2004)

### **13.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

It is acknowledged that there are certain properties where they may be some impact. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the overall benefits of the scheme in terms of the provision of additional dwellings.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

#### **14.0 Public sector equalities duty**

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

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

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

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

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

## 15.0 Financial issues

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

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

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

### Non material considerations

#### CIL contributions

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

The rate at which CIL 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 sqm granted for 2020 for this development is £119.29/

The proposal will generate Council Tax

## 16.0 Planning assessment

### 1. Principle of Development

The planning history has several applications for dwellings on this site, with the most recent, an outline application for five dwellings (17/1928/OUT), being approved. This outline consent was for all matters reserved, so only the principle of dwellings in this location was accepted.

It is noted that an application for three dwellings (03/0906/FUL) was approved in 2003. This full application included aspects such as the access point to the public highway.

The site is not allocated for development; however, the history of approvals on it does set a precedent for the acceptability of residential dwellings in this location. Therefore, the 'in-principle' matter is whether the increase in dwelling numbers is acceptable.

Core Strategy Policy CP4 seeks the highest appropriate density compatible with the local character. Whilst the details of this will be discussed in detail later in the report, it is considered that the constraints of the site in terms of access, pedestrian movements and overshadowing from trees, alongside the surrounding built form of detached dwellings, means that the proposed level of density is, in principle, acceptable for this site.

The proposal will be assessed against the usual material planning considerations, which will be set out below to ensure that this increase in density can be suitably accommodated within this site.

## 2. Scale, design, impact on character and appearance

The site is proposed to be laid out as six detached dwellings encircling an access road connecting the existing access to Redhills. It was noted that the road does create a level of dominance within the centre of the site; however, the benefits of this in terms of access for refuse lorries will, on balance, outweigh that harm, ensuring that refuse collection is kept within the site and preventing highway clutter. The layout is acceptable and does not create an overly dominant presence from the dwellings, with suitable spacing between each property.

The site is within a designated Landscape Setting, and these dwellings have the potential to impact the wider landscape. In assessing this impact, the wider area needs to be considered, with particular attention on the outline approval 20/1380/OUT to the north and west of this site, as well as the previous consents for the development of dwellings on this site. Given the conclusion reached in the earlier permissions, the impacts on the Landscape Setting are considered acceptable.

The buildings' designs are almost identical, which was raised as a potential issue by the Council's Urban Designer. It is noted that they are rotated and mirrored to reduce this impact, with the submitted documents stating that various colours of materials will be used. This is an acceptable method of preventing an 'identikit' development, and a condition is recommended for details of all materials, including colours.

It is noted that cycle storage and bin storage areas are not shown on the submitted plans, and a condition will be set out requiring these details to ensure they are of suitable design and location.

Due to the surrounding TPOs and the large scale of these dwellings, removing the permitted development rights for extensions and outbuildings is considered appropriate to ensure any proposed additions are of a suitable scale and positioning.

### 3. Amenity

All new dwellings are required to meet the Nationally Described Space Standards (NDSS). Each dwelling exceeds the NDSS for floor space and bedroom sizes, and windows serve all habitable rooms.

The position of the dwellings is such that there is no direct overlooking from windows, and the site boundary screening of trees and hedgerows will provide privacy and reduce amenity impacts from neighbouring dwellings.

Each property has a large detached garden that exceeds the Residential Design Guide SPD recommendations.

Trees border the site on all sides, and there is the potential for shade to be cast over the plots, particularly Trees T11 and T12 impacting Plots 5 and 6. A sun study was submitted concerning this and demonstrated that at the height of summer, there is a relatively low impact from shading throughout the day. It is considered that the level of impact is acceptable in this instance, and there is suitable light for each dwelling.

Regarding neighbour amenity impacts, the site boundary is approximately 49 metres from properties to the south and about 60 metres from the closest dwelling to the south. There are existing trees and woodland separating the developments, and as such, there is not considered to be any significant amenity impact.

To the north and west is a site with outline consent for 80 dwellings. Similarly, these are screened with trees and hedgerows to limit amenity impacts. This outline consent does not have the site layout agreed upon yet, and as such, it would need to be designed to take in potential impacts from this development at the reserved matters stage. It is not considered that amenity adjustments required by this development would prejudice the outline site moving forward.

Overall, the proposal provides a good standard of amenity for future occupants and will not significantly impact neighbours within the site and in the wider area.

### 4. Contamination

Phase 1 and Phase 2 contamination reports were submitted with this application. These reports identified the potential for risks from Made Ground, particularly in the north-west of the site, which will require capping. A lead hotspot was found; however, this was concerning a fragment of car debris, and it is considered that site clearance will remove this potential risk.

A Phase 3 Remediation Strategy was also submitted with the application, setting out the remediation methods to make the site safe for development. The Council's Environmental Health team were consulted on this. They did not object subject to a condition concerning carrying out the methods set out in the Phase 3 Remediation Strategy. With this condition, the proposal is not considered to generate significant contamination risks and is acceptable.

## 5. Biodiversity

The Council's Ecologist was consulted and did not object to the proposal subject to conditions relating to specific matters. An Ecological Impact Assessment (EclA) was submitted with the proposal, which is acceptable. An Ecological Enhancement Plan is recommended via a condition to show the specifics of habitat piles, bat/bird/invertebrate boxes and auditing of the installations.

A Landscape Planting Plan and Landscape and Ecological Management Plan are also recommended via a condition to ensure suitable planting and management occurs.

A seasonal bat survey was undertaken and recorded small numbers of greater horseshoe, lesser horseshoe and barbastelle species which are of a higher conservation priority and light sensitive. Concern was raised over potential impacts from excessive lighting at the site, which could impact these species and the wider woodland area. As such, a condition requiring a sensitive lighting strategy is recommended.

Trees surrounding the site have the potential for bat roosts; however, only a preliminary assessment was made. These trees are to be retained, and with the lighting condition, it is not considered necessary for further mitigation.

It is noted that several trees have fire damage, and it is likely that some form of crown reduction will be required; it was noted that these need to be fully surveyed before works occur, and a condition will be placed on the decision requiring this.

Japanese Knotweed was recorded on site in the EclA. It is unacceptable for this to be left in situ, and a condition is required for complete removal with an appropriate method statement and, ideally, by a specialist.

No dormice were recorded on site; however, the ECC Ecologist noted the survey as being half that required by guidelines and missed out on the critical month of May. As dormice are recorded in the surrounding area, they are potentially present. The likelihood of impact through the development is low due to the sensitive lighting scheme and surrounding habitat; however, a precautionary method statement will be required in the CEMP to lower the risk of harm to their habitat without suitable mitigation.

Concerning trees, the site is bordered by trees with Tree Preservation Orders on all sides. Initial concerns were raised regarding the impact of one of the dwellings on an established tree; however, the dwelling has since been repositioned, and this matter has been resolved.

The site layout does not require any direct tree works to facilitate the development, and acceptable root protection measures are proposed to protect them during development. It is considered that with the use of a condition to ensure trees are protected, there is no significant harm to the surrounding trees.

The proposed new dwellings will impact the wider protected European Marine sites, and a Habitat Regulations Assessment was undertaken. This confirmed increased visitor pressures on protected habitats would occur as the site is within 10km of the European Sites. In line with the South East Devon European Site Mitigation Strategy, this will be through financial mitigation as part of the CIL receipts from the development.

## 6. Highways and Access

The site proposes to use the existing access point from Redhill and will then create a private road within the site.

The access road will be large enough for refuse vehicles to access and turn, reducing impacts on the wider Highway network at collection times and preventing bins from being left on the site boundary or the public highway.

In terms of highway movements, they are not considered significant, with the previous use as a breakers yard having similar trip rates alongside large vehicle movements.

Double garages and driveways leading to them are proposed, which is considered an acceptable level of parking provision. EV charging will be provided in accordance with Building Regulations requirements.

Secure cycle storage will be required for each dwelling; however, this is not shown on the submitted plans and will be required via a condition.

Pedestrian access will be via Redhills, which currently has no footway in place, and it is not proposed to provide any as part of this application. The Highway Authority were

consulted on this proposal and advised that due to the low number of pedestrian movements from the site, it was not considered that a footway on Redhills would be necessary or justified to mitigate the level of movements and would result in an unacceptable narrowing of the vehicle highway at this point. Previous approvals for the development of dwellings on this site were also found acceptable without a footway being created. It is noted that these were for fewer dwellings; however, the Highway Authority has advised that the proposed six dwellings would not alter this position as the level of pedestrian movements would be similar to that previously approved.

The matter of a footpath within the site boundary was discussed with the applicant and a Planning Note was submitted setting out constraints that would prevent this being a suitable option as follows:

- The precedent for development of this site without a footway has been set through previous approvals and it is not considered that the increase in 1 dwelling will significantly increase pedestrian movements to require a footway.
- A footpath through the site would require steps to access Redhills and would not meet Highway accessibility requirements and would not be adopted.
- A footpath through the site would require a stepping out area on Redhills which would impact on the road network through introduction of a contraflow system for vehicles to navigate this point.
- A footpath through the site would exit partway down Redhills and would not cover the entire route to St Peters Mount.
- A footpath through land to south would require an agreement for 3<sup>rd</sup> Party Land and would create significant impacts on the existing woodland and associated biodiversity.
- A footpath through the site would not be able to be illuminated due to the need for sensitive lighting to protect bat habitats. This would impact on safety of users.
- A footpath through the site would impact on trees covered by TPOs. Any footpath would significantly impact on the trees and their roots due to the need for steps to access Redhills.
- A footpath would create viability issues due to costs of relocation of telegraph poles, construction work and tree and ecological mitigation. The scheme has high initial costs due to contaminant remediation and removal of Japanese knotweed removal and additional costs may impact on deliverability of the development.

These aspects have been considered by the assessing Officer and relevant consultees and the points set out are agreed with.

In addition to these aspects it should be considered that approved outline consent [20/1380/OUT](#) for development to the north of the site includes improvements to Redhills consisting of road widening and footways, and this proposal will benefit from these measures. Whilst this is only an Outline approval and the Reserved Matters

has not been submitted yet it should be noted that any significant increase in pedestrian movements in the surrounding area will require road improvements mitigation that will benefit this site.

On balance, for the reasons set out above, it is considered that the proposal will not create significant highway safety issues and is acceptable on those grounds.

## 7. Drainage

The site is within Flood Zone 1 and at low risk of flooding. The ground conditions are noted in the submitted Ground Investigation Report as unsuitable for infiltration drainage for surface water. As such, it is proposed to install an attenuation tank that connects to the existing mains water sewer running down Redhills. This is considered a suitable method of dealing with surface water, and this system's full details will be required via a condition.

Foul waste is also proposed to connect to the existing system, and confirmation from South West Water will be required to ensure suitable capacity for these additional dwellings.

## **17.0 Conclusion**

The site has several previous consents for dwellings, and there is consent for a significant development to the north and west of the site. Whilst this development will see an increase from the previously consented five dwellings to 6, there is adequate on-site space for this additional dwelling without significant impacts.

Access will be via the existing Redhills access, and there are not considered to be any significant highway impacts. Whilst a footway was discussed, the scale of development would not make this a requirement. It is noted that a development to the north will provide widening and footways on Redhills as part of its conditions, however this application is considered to be acceptable as submitted without a footpath being provided.

The dwellings are of a good size, with extensive gardens and have been confirmed to provide suitable light levels.

The protected trees bordering the site are to be retained, and suitable ecological mitigation will be secured via condition.

Overall, the proposal is considered to accord with national and local policy and recommended for conditional approval.

## 18.0 Recommendation

Approval with the following conditions:

### Timescale

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

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

### Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

- 19/07/2022\_Site Location Plan
- 17/10/2022\_507.1.102D GF Site Layout.pdf
- 17/10/2022\_507.1.103B Prop Site Layout FF.pdf
- 17/10/2022\_507.1.104B Prop Site Layout SF.pdf
- 17/10/2022\_507.1.105B - site layout with existing survey.pdf
- 19/07/2022\_507.1.106B Ground Floor with Car charge
- 19/07/2022\_507.1.107A Prop GF Layout (1 and 5) copy
- 19/07/2022\_507.1.108A Prop FF Layout copy
- 19/07/2022\_507.1.109A Prop SF Layout copy
- 19/07/2022\_507.1.110A Elevations 2 3 4 6 copy
- 19/07/2022\_507.1.111A Elevations 1 and 5 copy
- 19/07/2022\_507.1.112A Site sections copy
- 19/07/2022\_507.1.118 Site Roof Plan and Bat Box (showing bird and bat boxes)
- 19/07/2022\_507.1.119 Roof Plan
- 19/07/2022\_507.1.120 Section
- 19/07/2022\_890\_01 Planting Plan
- 19/07/2022\_890\_02 Detail and Notes
- 19/07/2022\_2225 TS TCP
- 19/07/2022\_1682\_0505\_Drainage Strategy Option 1\_Foul Longsections
- 19/07/2022\_1682\_0506\_Drainage Strategy Option 1\_Surface Water Longsections
- 19/07/2022\_1682\_0500\_P1 Drainage Strategy Option 1

Reason: In order to ensure compliance with the approved drawings.

### Pre-Commencement

### Ecological Mitigation and Enhancement Strategy

Prior to commencement of the development hereby approved an Ecological Mitigation and Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority based on the recommendations set out in section 6.1.5 of the submitted 220525 Rev 02 Ecological Impact Assessment.

The development shall be undertaken in accordance with the approved strategy at all times.

**Reason:** In the interests of the retention, protection and enhancement of wildlife and features of biological interest.

#### Contamination Remediation

No development shall occur on the approved scheme, other than those required for contamination remediation, until the measures set out in the submitted 6169/RS Phase 3 Remediation Strategy have been carried out in full.

Following completion of measures identified in the approved remediation scheme and prior to occupation of the development, a verification report must be produced that demonstrates the effectiveness of the remediation carried out and provides confirmation that no unacceptable risks remain, and is subject to the approval in writing of the Local Planning Authority (LPA).

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the LPA. An investigation and updated risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared, which is subject to the approval in writing of the LPA. Following completion of measures identified in the approved remediation scheme a verification report must be produced and approved in writing by the LPA.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is required as a pre-commencement condition to ensure protection for workers on the development.

#### Japanese Knotweed

Prior to commencement of development full details of a scheme for eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority.

The approved measures shall be implemented in full prior to commencement of the development.

**Reason:** Japanese Knotweed is a highly invasive weed capable of structural damage and disturbance will cause it to spread.

#### Tree Protection Measures

Prior to commencement of work on site the tree protection measures set out sections 6 and 7 of the submitted 2225/AIA Rev B Arboricultural Impact Assessment shall be brought into use and remain operative at all times during construction.

**Reason:** To protect trees on the site boundary that are covered by Tree Preservation Orders.

#### Construction Method Statement

No development (including ground 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) Construction vehicle numbers, type routing.
- b) Access arrangements to the site.
- c) Traffic management requirements.
- d) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas).
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Siting and details of wheel washing facilities.
- g) Cleaning of site entrances, site tracks and the adjacent public highway.
- h) Provision of sufficient on-site parking prior to commencement of construction activities.
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- j) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- k) Measures to control the emission of dust and dirt during construction.
- l) No burning on site during construction or site preparation works.
- m) Measures to minimise noise nuisance to neighbours from plant and machinery.
- n) 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 unless alternative times have been agreed in writing with 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.

#### Pre-foundations

### SAP Calculations

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 CO2 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 CO2 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.)

### Surface Water Drainage

No work on foundations of the development hereby approved shall commence until full details for surface water management has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- The proposed surface water drainage system, including attenuation, should provide a 1 AEP standard of protection plus a 40% allowance for climate change. Calculations and modelling data should be produced in support of any drainage design showing that the defences and drainage system are designed to the required standard.
- A surface water exceedance flow route shall be identified on a plan that shows the route exceedance flows will take both on and off site from the point of surcharge, and demonstrating that these flows do not increase the risk of flooding to properties on and off the site and or to Third Party Land including the Public Highway. Exceedance flows should be intercepted and contained on site as far as this is reasonably practicable and safe to do so, ensuring that flows are directed away from public access areas.
- Proposals for the adoption and maintenance of the permanent surface water drainage system.
- Evidence there is agreement in principle from South West Water for the new connection into their system.

The development shall be undertaken in accordance with the approved details and maintained accordingly.

**Reason:** To reduce the risk of flooding to and from the development, and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory surface water management and disposal during and after development.

#### Street Details

No work on the foundations of the dwellings hereby approved shall take place until details of the street design have been submitted to and approved by the Local Planning Authority. These details shall include design, layout, levels, gradients, materials, lighting and method of construction and drainage of all roads and footways part of the development.

No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

**Reason:**

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard.

#### Pre-DPC

##### Materials

No works shall occur above damp-proof course level until details of materials, including type and colour and a plan showing their location, has been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure suitable material and colour palette for the development.

#### Pre-Installation

##### External Lighting

No external lighting shall be installed on the site until details of an external lighting strategy have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall include:

- Identification of areas/features on site that are particularly sensitive for light sensitive bats i.e. the boundary hedged and woodland edge;
- Details of how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats from using their flightiness, foraging areas or places of shelter or rest.
- Details of light levels of 0.5 lux or less in the vertical and horizontal plane at the sensitive features identified.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without written consent from the Local Planning Authority.

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

## **Pre-Occupation**

### Landscape Ecological Management Plan

Prior to first occupation of any of the dwellings hereby approved a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- Description and evaluation of features to be managed
- Ecological trends and constraints on site that might influence management
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organization responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The approved landscape management plan shall be carried out in accordance with the approved details.

**Reason:** To ensure biodiversity gain and that satisfactory landscaping works are provided and maintained.

### Bin and bike stores

Each dwelling hereby approved shall not be occupied until an area within each respective garage has been marked out for refuse and recycle storage and secure bicycle storage. The refuse and recycling areas shall be large enough to fit two 240 litre containers and the bicycle storage shall have space for a minimum of two cycles. The allocated spaces shall be used solely for the storage of refuse/recycling bins and bicycles at all times thereafter.

**Reason:** To ensure suitable waste facilities to prevent visual impact and highway clutter and to promote sustainable transport options.

### Provision of Parking Area

Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

Reason: To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway.

#### Electric Vehicle Charging Points

Prior to first occupation of each dwelling hereby approved the electric vehicle charging points shall be installed and made operative in accordance with the details set out in drawing 507.1.106B Proposed Ground Floor Layout (May 2021). The charging points shall be retained at all times thereafter.

**Reason:** To promote electric vehicle use as an alternative.

#### **Compliance/Other**

##### Ecological Mitigation

The recommended measures set out within Section 6.1.5 of the submitted 220525 Rev 02 Ecological Impact Assessment shall be carried out in full within the first planting season following first occupation of any dwelling hereby approved and retained at all times thereafter.

Reason: In the interests of the retention, protection and enhancement of wildlife and features of biological interest.

##### Removal of PD

Notwithstanding the provisions of Article 3 and Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no development falling within Class E of Part 1 of Schedule 2 of the Order shall occur at any time without the written consent of the Local Planning Authority.

**Reason:** In order to ensure outbuildings are not located in ways that will compromise trees surrounding the site covered by Tree Preservation Orders.

##### Landscaping

The development hereby approved shall be undertaken in accordance with the details and planting schedule set out in 890/01 Planting Plan (08/07/2022) and 890/02 Details and Notes (08/07/2022).

**Reason:** To ensure suitable planting and biodiversity mitigation for the development.

#### **Informatives**

##### Negotiated Approval

In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

### CIL

The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).

### European Marine Sites

In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. 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 Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

### Tree Works

Trees on the boundary of the site are protected by Tree Preservation Orders and appropriate consent from the Council will be required for any works to them.

It is also noted that trees TN5 (T6), TN6 (T5), TN7 (T7) and TN9 (T9), as set out in the submitted 2225/AIA Rev B Arboricultural Impact Assessment, have the potential for bats and appropriate surveys will need to be undertaken prior to any works to these trees.

