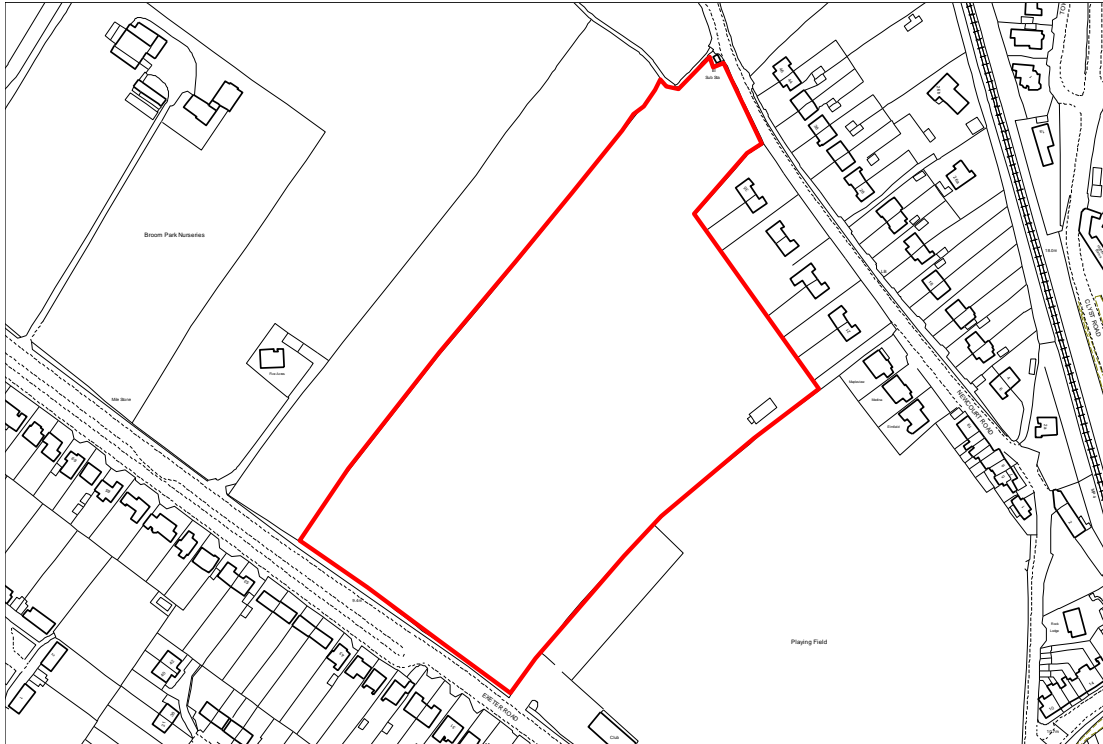


**ITEM NO. 4****COMMITTEE DATE:** 30 MARCH 2015

**APPLICATION NO:** 14/2066/01      **OUTLINE PLANNING PERMISSION**  
**APPLICANT:** Waddeton Park Ltd  
**PROPOSAL:** Phased development of a 60 bed residential care home, 47 assisted living apartments and 55 age restricted dwellings.  
**LOCATION:** Land to the North of Exeter Road, Topsham, Exeter, EX3  
**REGISTRATION DATE:** 22/09/2014  
**EXPIRY DATE:** 22/12/2014

**HISTORY OF SITE**

There is no relevant planning history relating to this site.

**DESCRIPTION OF SITE/PROPOSAL**

The application site comprises a 3.14 hectare parcel of land situated on the north side of Exeter Road. The site is bounded by Topsham Rugby Club to the southeast, existing residential properties and Newcourt Road to the northeast, further open land to the northwest and Exeter Road to the southwest. The land is currently in agricultural use with an associated field gate providing access from Exeter Road. The site slopes gently from the highest point in the north of the site down to the boundary with Exeter Road.

Outline planning permission is sought for specialist residential accommodation for the older sector of the population. The proposed accommodation comprises a 60 bed residential care home, 47 assisted living apartments and 55 age restricted dwellings. All matters of detailed design are reserved for future consideration except for access. The illustrative master plan submitted in support of the application shows a single vehicular and pedestrian junction onto Exeter Road located in southwest corner of the site. A more detailed plan for this junction is included as an Appendix (C) to the submitted Transport Assessment. Indicative heights for

the proposed development are set out in the Design and Access Statement as 2.5 storeys for the assisted living apartments fronting Exeter Road, 2.5 storeys for the care home, and a mix of 2 and 2.5 storeys for the age restricted dwellings. Parking provision is indicated as a mix of on-plot, parking courts and on-street.

### **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The application is accompanied by the following supporting documents –

- Design and Access Statement
- Planning Statement
- Transport Assessment
- Flood Risk Assessment
- Phase 1 Desk Study Report – Geo-environmental
- Heritage Assessment
- Landscape and Visual Appraisal
- Statement of Community Involvement
- Cirl Bunting Survey
- Extended Phase 1 Habitat Survey

### **REPRESENTATIONS**

A petition with 448 signatories has been received objecting to this application for the following reasons -

- Contrary to the Council's Core Strategy/plan of building on the Topsham Gap
- Increase levels of traffic on Topsham's roads (as well as the possible Aldi, 800 houses on Seabrook Orchards and proposed 50 houses at Wessex Close)
- Increased pressure on local resources
- Topsham will lose its identity if merged with Exeter

8 people also signed an ePetition stating "We the undersigned petition the Council to stop the development on the Topsham Gap (green area)."

In addition to the above 452 objections have been received in respect of this application. These representations have raised the following issues –

- Contrary to Development plan policies LS1 (Local Plan) and CP16 (Core Strategy) thereby rendering decision open to judicial review if approved.
- Loss of gap between Topsham and Exeter contrary to promises of protection
- Impact on historic character of Topsham due to coalescence with Exeter
- Loss of high quality agricultural land – important to uk food production/security
- Contrary to wishes of local community/anti-localism
- Create precedent for development of other land within the 'Topsham Gap'
- Contrary to Council's adopted green infrastructure strategy
- Loss of tourism – appeal of Topsham diminished if joined with Exeter
- Adverse impact on character of Topsham decreasing its attractiveness, visitors numbers and hence viability of local businesses
- Loss of green space – impact on well-being of existing inhabitants
- Impact on ambience of Newcourt Rd and quality of life of residents
- Too much development in local area – loss of open spaces

- Developers' suggested positive impacts of development not considered factually correct
- Insufficient jobs in local area for new residents
- Better alternative sites for this sort of development
- Traffic congestion/highway impact/safety – knock on economic impact (workers/business travel)
- Impact of new junction on cycle network (part of National Cycle Network) – influence choice of cyclists to use road
- Inadequate parking provision – consequent over spill into existing residential areas
- Poor access for pedestrians into Topsham – quality of footpaths for elderly
- Traffic related noise and air pollution
- Questionable assumptions over likely traffic generation – over 55's increasingly still working etc.
- Location of construction access – surely not from Newcourt Road
- Centre of Topsham lacks adequate parking facilities to cater for more residents
- Strain on infrastructure/resources e.g. health provision (hospital/doctors surgeries) and sewage/drainage network (already overloaded)
- Increase risk of flooding in locality
- Light pollution
- Density excessive/overdevelopment of the site
- Overshadowing of existing dwellings
- Sustainability of design – no mention of grey water use or solar energy
- Scale/design – out of keeping with area/other town buildings
- Impact on views of existing residents in locality
- Impact on existing property values
- Construction noise – impact on students living locally revising for exams
- Impact on environment/wildlife/vegetation – protected species and biodiversity
- Potential archaeological impact
- Topsham already well served by suitable accommodation for elderly sector
- Elderly ghetto would not be good for community cohesion – lead to imbalance in population profile of Topsham
- Even if justified likely to be too expensive for local residents
- Lack of affordable housing – especially for younger families
- Inadequate publicity – time for representation
- Too much weight given to New Homes Bonus contribution to Council and too little to local views
- Conflict with adjoining land use (Rugby Club) - noisy sporting activities and social events

## **CONSULTATIONS**

Environmental Health – Recommend conditions relating to CEMP (Construction and Environment Management Plan), contaminated land and noise.

Environment Agency – No objection providing the development proceeds in accordance with the submitted Flood Risk Assessment.

RSPB – Welcome fact that some biodiversity enhancements have been specified but suggest more could be done. Identify need for more information regarding landscaping and maintenance of open spaces. Recommend that in the event of an approval a condition is imposed requiring a Landscape and Ecological Management Plan.

Police Architectural Liaison Officer – Acknowledge proposal is for outline consent and therefore lacks sufficient detail for full appraisal of crime/design issues. Highlights potential concern regarding approach to parking provision relying on large parking courts and desire for defensible space within older persons housing schemes.

Natural England – Identifies proximity of development to protected Natura 2000 sites but given that the Council has an adopted CIL regime advises a separate Habitats Regulation Assessment will not be required. Welcomes proposal to use SUDS/soakaways for surface water drainage. Refer to standing advice in respect of assessing impact on protected species. Highlight green infrastructure and biodiversity enhancement potential and localised issues relating to biodiversity and landscape character assessment.

DCC (Head of Planning, Transportation and Environment) – Comments as follows and recommends conditions relating to transportation matters -

*"The submitted application is for a 60 bed residential care home, 47 assisted living apartments and 55 age restricted dwellings at Land to the North of Exeter Road, Topsham, Exeter.*

*The site is adjacent to the Topsham Rugby/Cricket Club, and bordered by Newcourt Drive to the north and Exeter Road to the south.*

*A transport assessment has been submitted with the application. Predictions of the likely traffic generated by the development have been taken from the TRICS database and recent research reports. Although the indicated figures of 29 peak hour trips are arguably a little low, I would agree that trip generation will be considerably lower than a traditional residential development.*

*Roughly 60% of traffic is expected to head towards Countess Wear. Although additional traffic towards this junction is undesirable, the magnitude is low and not a significant concern. Furthermore, occupants of age restricted dwellings are likely to have more flexibility in travel times and therefore an opportunity to avoid the travelling through busy parts of the network at the most congested times.*

*Vehicular access is proposed via a priority junction from Topsham Road. The access will cross the current shared use path on the north side of Topsham Road, part of the NCN2 National Cycle Network.*

*Maintaining the safety and attractiveness of this route is essential and to mitigate this the applicant has proposed a Cycle Track Priority crossing at the access, as shown in Drawing 4051 Revision B. This arrangement accords with current best practice and guidance (Local Transport Note 2/08) and is therefore considered acceptable.*

*In addition a new shared use footpath running connecting Exeter Road and Newcourt Road is proposed on the western edge of the site. The provision of this is welcomed and should be secured by condition.*

*It is pleasing that a draft Travel Plan has also been submitted alongside the application and the full details of the Travel Plan, including vouchers to support sustainable transport should be agreed prior to occupation.*

*Finally, to minimise the impact on the adjacent highway, construction traffic and arrangements should be carefully managed. This includes ensuring space is made on site to contain operatives vehicles. These arrangements should be secured by condition."*

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

## Exeter Local Development Framework Core Strategy

- CP1 – The Spatial Approach
- CP3 – Housing Distribution
- CP4 – Density
- CP5 – Meeting Housing Needs
- CP7 – Affordable Housing
- CP9 – Transport
- CP11 – Pollution and Air Quality
- CP12 – Flood Risk
- CP14 – Renewable and Low Carbon Energy in New Development
- CP15 – Sustainable Construction
- CP16 – Green Infrastructure
- CP17 – Design and Local Distinctiveness
- CP18 – Infrastructure
- CP19 - Strategic Allocations

## Exeter Local Plan First Review 1995-2011

- AP1 – Design and Location of Development
- AP2 – Sequential Approach
- H1 – Search Sequence
- H2 – Location Priorities
- H5 – Diversity of Housing
- H7 – Housing for Disabled People
- T1 – Hierarchy of Modes
- T2 – Accessibility Criteria
- T3 – Encouraging Use of Sustainable Modes
- T5 – Cycle Route Network
- T9 – Access to Buildings by People with Disabilities
- T10 – Car Parking Standards
- C5 – Archaeology
- LS1 – Landscape Setting
- LS4 – Local Nature Conservation Designations
- EN2 – Contaminated Land
- EN4 – Flood Risk
- EN5 – Noise
- DG1 – Objectives of Urban Design
- DG4 – Residential Layout and Amenity
- DG5 – Provision of Open Space and Children’s Play Areas
- DG6 – Vehicle Circulation and Car Parking in Residential Development
- DG7 – Crime Prevention and Safety

## Emerging Development Delivery DPD

- DD9 - Housing on unallocated sites
- DD21 - Accessibility and sustainable movement
- DD30 - Protection of landscape setting areas

## Exeter City Council Supplementary Planning Documents

- Planning Obligations SPD
- Affordable Housing SPD

Sustainable Transport SPD  
Trees in Relation to Development SPD  
Archaeology and Development SPD

Other Relevant Planning Documents

Development Delivery Policy Statement  
Housing Land Review  
Emerging 2015 SHLAA

## **OBSERVATIONS**

The main considerations in respect of the proposal relate to the principle of development of this site in the context of national and local policy, transportation issues, affordable housing, quantum of development/design issues, relationship to surroundings, and landscape/ecology issues.

### Principle/policy position

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF sets out the national planning policy context in relation to housing and is a material consideration in planning decisions.

The Exeter Local Development Framework Core Strategy is up-to-date and forms part of the statutory development plan for Exeter. It sets out the spatial strategy for the growth of Exeter up to 2026. The Core Strategy identifies the approach to meet the strategic housing requirement of at least 12000 dwellings to 2026 whilst protecting the historic environment of the city and enhancing its green infrastructure. This approach is based on evidence that includes various Strategic Housing Land Availability Assessments (SHLAA) to establish the capacity for development within the city boundaries. The adopted strategy comprises a focus on development within the existing urban area, on previously developed land and in designated sustainable urban extensions to the east and south west of the city. This approach is embodied in Core Strategy Policies CP1, CP3 and CP19. Policy CP16 reinforces this strategy by way of the protection it affords to specifically identified areas, one of which is the 'strategic gap between Topsham and Exeter'.

The application site comprises land which forms part of the strategic gap between Exeter and Topsham. The site is clearly within the area delineated on the Key Diagram forming part of the Core Strategy (page 99). Para 10.38 of the Core Strategy specifically refers to the function of the Topsham gap and the reason for protecting it as follows -

"The strategic gap between Topsham and Exeter is also particularly important in that it forms an open break between the two settlements, thus preventing their coalescence, whilst also protecting Topsham's attractive setting."

The Local Plan First Review 1995-2011 also recognises this function of the land in the context of policy LS1 in para 11.8 as follows -

"The open flattish, agricultural and horticultural land comprising large fields and low hedges between Countess Wear and Topsham, might be considered of less obvious interest but it is of significant local importance in clearly separating the settlements of Exeter and Topsham and maintaining their distinct identities. The attractive rural landscape of small fields,

hedgerows and copses to the north and east of Topsham provides the essential green setting to the historic settlement of Topsham. Both these areas contribute to, and are an integral part of, the wider rural landscape of East Devon and ensure the south eastern containment of the City."

Policies CP16 (Core Strategy) and LS1 (Local Plan) seek to protect land designated as forming part of the landscape setting of the city from development which would harm the local distinctiveness and character of the city. The application site lies within an area subject to such designation. In this context it is acknowledged that the area has low intrinsic landscape value, indeed this is not the reasoning behind its inclusion within the landscape setting designation. Rather, as discussed above, it is so designated because of its function as an open break between the two settlements of Exeter and Topsham. It is because of this role that it is considered sensitive to development and therefore protected from development by these policies. The Inspector, in considering policy LS1 in the context of the Home Farm appeal concluded that policy LS1 is not a criteria based policy, and is out date and therefore accorded it little weight. The Council does not concur with this view, particularly with regard to the application of the policy to the Topsham Gap and its identified function in the landscape. Furthermore, policy CP16 of the Core Strategy reinforces this view as to the importance and function of this land. It is protected for this reason and not due to its intrinsic landscape value which is acknowledged above as being low.

The development of the application site is considered to be clearly contrary to the Council's spatial strategy to accommodate its required growth, and thereby directly contrary to Core Strategy policies CP1, CP3 and CP16, and Exeter Local Plan First Review 1995-2011 policies H1, H2 and LS1.

However, the applicant's agent contends that the Council cannot demonstrate a 5 year housing supply as required by para 47 of the NPPF, and would point to the recent appeal decision on an application for residential development at Home Farm, Church Hill, Pinhoe where the Inspector reached a similar conclusion. The Council agrees that the Inspector's decision on the 29 October 2014 to allow an appeal, for outline planning application for about 120 dwellings at Home Farm, is pertinent to this case. One of the key factors in the Inspector's decision was her conclusion that student accommodation should not count towards meeting the housing targets. She concluded that the Council could not therefore demonstrate the required five year housing land supply (only being able to demonstrate a 3.6 year housing land supply) meaning the relevant development policies for the supply of housing should not be considered up-to-date as set out in paragraph 49 of the NPPF which states:-

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites."

Therefore, she determined, in accordance with the NPPF's presumption in favour of sustainable development, that permission should be granted. On 9 December 2014, the Council lodged a formal application to quash the decision.

The Inspector's decision on the Home Farm appeal is valid until quashed by the court and is a material consideration in determining this application. However, in deciding how much weight to attach to this material consideration (which is a matter for the Council) the Council can take into account the fact that the decision is currently the subject of a legal challenge; this would tend to reduce the weight to be attached to it (the likely timeframe for the outcome

of this legal challenge is currently unclear and in the absence of any agreement for an extension of the statutory time period to reach a decision on this application the Council cannot delay making a decision without having to repay the planning application fee). Furthermore, and in any event, new Strategic Housing Market Assessment (SHMA) evidence is emerging. The SHMA will establish Exeter's objectively assessed housing need for the period 2013-2033. A letter from Brandon Lewis (Minister of State for Housing and Planning) sent to all Councils in December 2014 confirmed that whilst the SHMA is untested and should therefore not be seen as a proxy for the housing requirement in the Local Plan (that may be constrained by environmental factors), the SHMA is nevertheless important new evidence that needs to be considered by Councils. The initial headline figures from the SHMA suggest that Exeter's Objectively Assessed Need (OAN) is very close to the current strategic housing requirement (set by the Core Strategy) of 600 dwellings per annum. The emerging work also provides evidence to demonstrate that student accommodation is indeed included in the Objectively Assessed Need (OAN) and that the quantum of that need is significant (with over 25% of the OAN relating to student housing needs). This new evidence can be used to argue, once again, for the inclusion of student accommodation in the calculation of housing land supply. According to the most up-to-date work on the SHLAA the inclusion of student accommodation would give us in excess of 5 years housing land supply. The emerging SHMA work also constitutes a material consideration in determining this application.

The Development Delivery Policy Statement (adopted by the Council on 26 November 2013) seeks to ensure the focus on delivering good development is maintained. It includes policies to ensure delivery, at the earliest opportunity, of good quality housing development on allocated sites and on windfall sites within the urban area.

The Housing Land Review is an evidence base document which assessed 17 sites outside the strategic locations for growth and found the current application site to be one of the most sustainable. However, the assessment within the Housing Land Review document does not indicate that this site is suitable for development; the Council has agreed to use the Housing Land Review as an evidence base to guide future development in the City if, in the longer term, the Council is unable to deliver the strategic housing requirement. As this is not currently considered to be the case this document carries little weight in determining this application.

This is a complex issue and a number of material considerations need to be weighed against each other. However, in planning policy terms, this proposal is clearly contrary to the Development Plan and on balance there are considered to be no material considerations that outweigh this fact and would therefore warrant approving this application.

### Transportation issues

The only matter of detail sought to be fixed via this application is the means of access to serve the development. The illustrative master plan submitted in support of the application indicates that access into the site would be provided on the south-west boundary of the site from Exeter Road and would take the form of a T-junction. This junction would then link to an internal road network within the site that would be derived as part of subsequent 'reserved matters' relating to the detailed design and layout of the site. The submitted transport assessment contains a more detailed plan of the access junction (Appendix C) which demonstrates that appropriate visibility splays could be provided to comply with the standards set out in the Manual for Streets relating to a 30mph road. Whilst the Highway Authority has indicated that there is no objection in principle to a new T-junction onto Exeter Road in the position indicated to serve the quantum of development some concerns were expressed regarding the impact of such a junction on the function of the National Cycle Route network that runs along the site frontage. Following negotiations between the Highway



Authority (DCC) and the applicant an amended plan for the junction design has been submitted incorporating a level crossing over the new section of road in the form of a raised table one vehicle length behind the entry/exit point onto the main road, and "Give Way" signs giving priority to cyclists. This could be secured by way of an appropriate condition requiring submission of detailed plans of the access junction prior to commencement of the development.

The Highway Authority had been in discussion with the applicant regarding provision of a vehicular link through the site up to the site boundary with the neighbouring Rugby Club. This could have provided an alternative access to the Rugby Club and would have facilitated closure of the existing Rugby Club access onto Exeter Road. This was considered beneficial in highway safety terms as this access is less than ideal in terms of visibility and it would have limited the number of vehicular access points bisecting the National Cycle route. However, the applicant pointed out that any safety issues with the current rugby club access represent an existing situation that it is not reasonable to expect the current application to resolve, and furthermore that serving the rugby club and its associated activities through the proposed site would not be compatible with the uses of the proposed site, i.e. care home, assisted living apartments and age restricted residential units. With the applicant unwilling to incorporate this into the layout it is not considered this would amount to a sustainable reason for refusal and, accordingly, the Highway Authority is not insisting on its provision.

It is not considered that there is any fundamental concern regarding the capacity of the highway network to accommodate the proposed development that would constitute a reason for refusal of the application.

#### Affordable Housing

It is considered that the proposal would trigger the need to provide affordable housing in line with the Council's adopted policy. Whilst the applicant has acknowledged that 35% of the assisted living and age restricted dwellings would need to be affordable, and indicated that an appropriate legal agreement/unilateral undertaking is being prepared no such document has been submitted or agreed at the time this report has been prepared. In the absence of such a binding agreement a reason for refusal relating to lack of affordable housing provision has been recommended.

#### Quantum of development/residential amenity standards

The submitted master plan identifies one potential way of accommodating the proposed level of development on the site. However, except for the means of access to the site, all other matters of detail are reserved for subsequent approval. As such the master plan cannot be taken as definitive in terms of the disposition of buildings, roads and open space on the site. It is however useful in terms of reaching a conclusion on whether or not the site is capable of accommodating the quantum of development and meeting the Council's required design/amenity standards. It is considered that whilst there are elements of the layout depicted on the master plan that would require further consideration and possible changes it does provide adequate comfort that the quantum of development sought is not entirely unrealistic. The parking strategy, separation distances between properties, associated amenity spaces to serve them and open space provision across the site would all be matters to be dealt with in detail at the 'reserved matters' stage. It would be possible to approach the layout in a number of different ways to achieve this quantum of development on the site. Consequently it is not considered that there any fundamental concerns in respect of the

quantum of development sought or ability to achieve acceptable design standards that would warrant refusal of the application.

### Relationship to surroundings

This needs to be assessed in respect of the four boundaries of the site as identified below:-

- Newcourt Road - the properties on the north-east boundary back onto the site with reasonably deep rear gardens between the dwellings and the actual boundary (approx 22m). It is most likely that any buildings on the application site would be set further still off this boundary. Consequently it is considered that the site is capable of being developed in a way that creates appropriate separation between the existing and any proposed buildings thereby ensuring that there is no undue overlooking or overbearing relationship.
- Exeter Road - The existing properties on Exeter Road are separated from the application site by the road itself. In addition these properties also have reasonably deep front gardens. The feasibility plan depicts new buildings on the application site set further back into the site behind landscaping and a service road. It is considered that this would be a realistic approach to serving any buildings on this frontage. Consequently the separation distances between existing and proposed buildings would be reasonable, even given that buildings on this part of the site might be taller than 2 storeys.
- Rugby Club - In respect of this boundary there is scope to set buildings some distance off the boundary and provide landscaping and open space between them and the actual boundary. Attention will need to be given to the juxtaposition of buildings and the boundary treatment at the 'reserved matters' stage given the nature of the use of the adjoining land (rugby pitch) and the potential for balls to leave the confines of the rugby club site. However, it is considered that there is no reason why an acceptable relationship and boundary treatment should not be achievable.
- Field - As the land to the northwest is still open land there is not considered to be any reason why an acceptable relationship between the sites could not be achieved. The submitted feasibility depicts buildings set off the boundary with appropriate landscaping and this can be further considered as part of any 'reserved matters' application.

Overall it is not considered that there is any fundamental issue with regard to the potential relationship of development on this site with adjoining land/occupiers. The precise nature of any relationship can be further considered in detail at the 'reserved matters' stage.

### Landscape/ecological/archaeological issues

- The Newcourt Road corridor is identified as a site of local interest for nature conservation (SLINC). It is not considered that the form of development proposed in this outline application need have any significant adverse impact in this respect.
- Protected species - The site is reasonably close to Natura 2000 sites and comprises new dwellings which have been identified as having the potential to have an impact on these designated areas. However the Council has adopted a Community Infrastructure Levy (CIL) which includes an element towards mitigation measures in respect of the potential impact of additional dwellings on these protected sites. There have been hedgehogs recorded in the vicinity and a single badger hole and latrine located at the base of the north western hedgebank. Both of these are protected species. However, given the nature of the development this is not considered to represent a fundamental obstacle to the granting of an outline consent for this

development. Any impact could be mitigated within any detailed layout, and further investigation to establish the degree of presence and activity, and potential mitigation measures, could be secured by an appropriate condition in the event of any approval for the development. A Cirl Bunting survey has been undertaken and no cirl buntings were seen or heard during the survey periods. Consequently this is not considered to represent an impediment to development of the site. Habitats of greatest value on the site comprise the hedgebanks and associated vegetation on the site boundaries. Consideration should be given to retaining and enhancing these features and this can be incorporated within consideration of any reserved matters application.

- Ecological enhancements - It would be possible to incorporate a variety of ecological enhancements into the design of the development at 'reserved matters' stage, including the detailed landscaping of the site and measures such as bat/bird boxes within the fabric of the buildings.
- Landscape strategy - If the principle of development of this land were accepted the general landscape strategy depicted in the submitted Design and Access Statement would seem reasonable. This comprises retention and enhancement of existing boundary hedgerows, reinforced landscape edge along the northwest boundary incorporating surface water drainage feature, and creation of a green avenue along the Exeter Road site frontage. It is considered that this approach would help to assimilate the development into its surroundings were the principle of development accepted. The details would form part of any subsequent reserved matters application.
- Archaeology - There is potential interest on the site, however the importance is not considered to amount to a fundamental obstacle to development site. Appropriate investigation and recording could be secured by a condition of any approval.

#### Delegation Briefing (21/10/14)

Members noted the high level of representations received. The key issue highlighted related to the principle of development on this site being contrary to policy as the site is identified as 'landscape setting' and the Council has identified that it has a 5 year supply of housing land. It was noted that the outcome of the Home Farm Inquiry might have an impact on the determination of this application if it called into question the Council's 5 year land supply.

#### Financial Matters

The proposal would attract CIL contributions and new homes bonus (currently) in relation to the assisted living apartments and age restricted dwellings. However, given that the exact type and size of the units, will not be known until the reserved matters stage it is not possible to quantify the relevant figures at this stage.

#### Conclusions

The determination of this application is a finally balanced decision, with a number of material considerations that need to be weighed against each other, principally 5 year housing supply and spatial strategy/the Development Plan. However, on the basis of the Council's legal challenge to the validity of the Inspector's decision on the Home Farm appeal (and its implications vis a vis the Council's 5 year housing supply) and, in any event, further emerging evidence in respect of the Council's SHMA and Objectively Assessed Housing Need, it is considered on balance that this proposal, which is clearly contrary to the Development Plan, should be refused.

It is important to note that any refusal is likely to be challenged via the appeal process and that given the uncertainties surrounding the legal challenge to the Home Farm appeal decision (and its implications for the Council's 5 year housing supply), the complexity of the

issues involved and possible need to employ consultants to assist the defence of any appeal in addition to legal representation, the Council could potentially incur significant costs in fighting any such appeal, both in terms of consultant/legal fees and any award of costs by the Planning Inspectorate.

Since this report was drafted, and just prior to its publication, the Council received notification from the Planning Inspectorate that the applicant has appealed against the non-determination of the application by the Council within the prescribed period (i.e. 13 weeks from the submission date). Consequently the Council is not now at liberty to determine the application and issue a formal decision. However in connection with the appeal the Council is required to indicate what its decision would have been. Consequently the purpose of this report has therefore changed and now seeks a resolution from the Committee as to what its decision would have been were it free to determine the application. In this context the recommendation remains unaltered.

Members are also advised that since this report was drafted a duplicate application has been received (Application Reference 15/0222/01). This will be subject to public consultation in due course and given the level of interest in the current application it is anticipated that this duplicate application is also likely to attract significant representation. Subject to the consultation exercise not resulting in any significant new issues being raised that have not already been raised in connection with the current application Members are requested to endorse the delegated authority of the Assistant Director of City Development to refuse the duplicate application for the same reasons as set out in this report.

## **RECOMMENDATION**

**REFUSE** for the following reasons:

### **1)**

The proposal is contrary to the National Planning Policy Framework 2012, Exeter City Council Core Strategy 2012 (the Vision, Spatial Strategy and policies CP1, CP3 and CP16), Exeter Local Plan First Review 1995-2011 (saved policies H1, H2 and LS1) and the emerging Exeter Draft Development Delivery DPD 2013 (policies DD9 and DD30) because –

- (i) It would result in development outside the identified strategic locations for growth contrary to the Statutory Development Plan for the area,
- (ii) The proposal would harm the landscape setting of the city through development on the strategic gap between Topsham and Exeter that would contribute to the coalescence of the two settlements, and it would set an undesirable precedent for other nearby residential development within the strategic gap that individually, or collectively, would harm the character of the area and setting of the historic settlement of Topsham.

### **2)**

In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which makes provision for affordable housing, the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 policy CP7, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

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

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223