

REPORT TO: EXECUTIVE

Date of Meeting: 23 June 2015

Report of: Assistant Director City Development

Title: APPROVAL OF DEVELOPMENT DELIVERY DEVELOPMENT PLAN DOCUMENT (DPD) FOR PUBLICATION

Is this a key decision - Yes

1. WHAT IS THE REPORT ABOUT?

- 1.1 To consider the content of the publication version of the Development Delivery DPD and agree its publication for representations prior to submission to the Planning Inspectorate for examination on behalf of the Secretary of State.
- 1.2 The Development Delivery DPD will form part of the Council's Local Plan and a key element of the statutory Development Plan used to determine planning applications.

2. RECOMMENDATION

- 2.1 That Executive agrees:
- (a) the publication version of the DPD for pre-submission representations attached as Appendix 1 to this report.
- (b) Delegates authority to the Assistant Director City Development (in conjunction with the Portfolio Holder City Development) to make minor changes to the DPD prior to publication.

4. WHAT ARE THE RESOURCE IMPLICATIONS INCLUDING NON FINANCIAL RESOURCES

- 4.1 This report raises no resource implications.

5. SECTION 151 OFFICER COMMENTS

- 5.1 This report raises no section 151 issues.

6. WHAT ARE THE LEGAL ASPECTS

- 6.1 See paragraph 9 of this report (Background).

7. MONITORING OFFICERS COMMENTS

- 7.1 This report raises no issues for the Monitoring Officer.

8. HOW DOES THE DECISION CONTRIBUTE TO THE COUNCIL'S CORPORATE PLAN?

- 8.1 The successful adoption of the Development Delivery DPD will contribute to various key actions identified by the Corporate Plan including:
- Housing our communities
 - Supporting business and economic growth;
 - Sharing the benefits of growth;
 - Building stronger communities
 - A green and healthy city

9. BACKGROUND

9.1 The Development Delivery DPD will form part of the Council's Local Plan. The National Planning Policy Framework (NPPF) requires Councils to put in place an up to date 'Local Plan'. This ensures that the local policies are given weight in the assessment of 'the presumption in favour of sustainable development' as set out in the NPPF. The 'Planmaking' chapter of the NPPF states that:

'Crucially, Local Plans should:

- Allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;
- identify areas where it may be necessary to limit freedom to change the use of buildings, and support such restrictions with a clear explanation;
- identify land where development would be inappropriate, for instance because of its environmental or historic significance'.

9.2 These tasks will be fulfilled by the Council's 'Development Delivery DPD'. Together with the recently adopted Core Strategy, this will constitute the City Council's 'Local Plan'.

9.3 Members may recall that following the initial 'Have your say' consultation in 2012, the Draft 'Development Delivery' document was presented to Executive on the 26 November 2013. Executive agreed the document for publication and there followed a 10 week consultation period (from December 2013 to February 2014).

10. PLANNING MEMBER WORKING GROUP

10.1 Planning Member Working Group (PMWG) considered the publication version of the Development Delivery DPD on 26 May 2015. PMWG supported the publication of the Development Delivery DPD by Executive for pre-submission representations.

11. THE DEVELOPMENT DELIVERY DPD

11.1 The Development Delivery DPD will:

- i. Allocate land for development.
- ii. Designate land for protection or safeguarding and identify land where specific policies apply.
- iii. Contain 'development management' policies that will be used to determine whether planning applications submitted to the Council should be granted permission.
- iv. Include a Proposals Map that will show allocations and designations.

11.2 The Development Delivery document and the Proposals Map must be submitted to the Planning Inspectorate along with the 'proposed submission documents'. The legislation states that the 'proposed submission documents' consist of the following:

- The Sustainability Appraisal
- A statement setting out which bodies and persons were invited to make representations, details of how these bodies and persons were invited to submit representations, a summary of the main issues raised, and how these main issues have been addressed by the plan
- A statement of representation procedures

- And any supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan

12 CONSULTATION

- 12.1 The NPPF states that in producing Development Plan Documents (DPDs) Councils should undertake 'early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses'. The 'Have Your Say' document and associated exhibitions constituted the initial consultation on the Development Delivery DPD during 2013. Comments received as a result of the initial consultation were incorporated into the Draft 'Development Delivery' document which was approved by Executive on the 26 November 2013 prior to a further stage of consultation, again with associated exhibitions, in late 2013 - early 2014.
- 12.2 Again the comments received have been carefully considered and changes proposed where appropriate. The document has also been updated in response to significant changes to Government guidance and legislation over the last year. It should be noted that in addition to the many changes proposed to policies and supporting text, the findings of the 2015 Strategic Housing Land Availability Assessment (SHLAA) have been taken into account in preparing the publication document. This has resulted in some important changes to the document, as new sites are allocated for residential development (see 7.13 below). This, together with the need to clarify our position regarding the inclusion of students within the five year housing supply, has all taken some time and has been compounded by the unavoidable delay due to the period of purdah leading up to the elections.
- 12.3 The next stage is for the 'Development Delivery' document to be published for representations for a period of at least six weeks, together with the other proposed submission documents. This provides a formal opportunity for the local community and other interests to consider the document and make representations prior to submission to the Planning Inspectorate.
- 12.4 The Development Delivery DPD, proposed for publication, is attached at Appendix 1. The accompanying Sustainability Appraisal (SA), Statement of Consultation, Statement of Representation Procedures, Proposals Map, Habitats Regulations Assessment and Equalities Impact Assessment (EQIA) will be available to support the publication of the DPD.
- 12.5 National Planning Practice Guidance also requires Local Plan documents to be accompanied by evidence to demonstrate that 'policies are realistic and provide high level assurance that plan policies are viable'. The Council has commissioned a Viability Assessment and this will also be available to support the document when published.

13 COMMENTS RECIEVED AND SUGGESTED DEVELOPMENT

- 13.1 A table summarising all comments received in response to consultation on the Draft Development Delivery DPD, together with the proposed response to each comment, is available in City Development. Some of the key comments raised and the suggested responses, organised under chapter headings, are discussed below.

Exeter's Local Vision for Sustainable Development

- 13.2 The first policy of the document, which ensures sustainable development is delivered in a holistic manner, was largely supported by respondents to the consultation. The amendments made at the previous stage were positively received. Whilst a few respondents continue to believe that particular issues need specific mention in the policy (for example the Highways Agency in relation to the strategic road network and the South West HARP Planning Consortium in relation to affordable housing), it is proposed to keep the criteria worded in a general manner. No new changes are proposed to the policy text.

Realising Exeter's Economic Potential

- 13.3 A single, strongly voiced, objection was received from PCL Planning (acting on behalf of Growen Estates and the Consolidated Property Group) in relation to several policies in this chapter. Whilst a clear definition of 'employment land' was inserted at draft stage, this consultant considers the definition too narrow and inconsistent with the NPPF and the Core Planning Principle that planning should 'proactively drive and support sustainable economic development'. To ensure that the definition of employment land is entirely clear it is proposed to insert additional explanatory text and to repeat the Core Strategy definition in the glossary to this document.
- 13.4 This same consultant also objected strongly to the proposed allocation of employment land adjacent to Honiton Road and Fitzroy Road in the 'Employment land provision' policy (DD2). Whilst the boundary of the allocation has been amended to reflect the area that remains available for development, it is still considered that this is an appropriate site to meet the demand for employment land (and indeed this land has an extant permission for an employment scheme).
- 13.5 There was only one objection from Genesis Town Planning (acting on behalf of the Newbery Family Trust) regarding the omission of land at Oaklands Riding Stables, which is within Alphington/Whitstone Valley Park; however this land is outside the Core Strategy's strategic locations for growth and therefore is not proposed for allocation. Exeter Green Party considered that employment land should not be allocated until the demand has been proven and existing land is in full use. However, the NPPF requires plans to identify strategic sites to meet anticipated needs over the plan period.
- 13.6 In relation to the 'Retention of employment land' policy (DD3) the change made at draft stage to reduce the viability test period from 18 to 12 months was welcomed by some, but again PCL (acting on behalf of Growen Estates and the Consolidated Property Group) still considers a 12 month period is an excessive time to market a vacant property. This same consultant also considers the 'Retention of employment land' policy to be unnecessary on the grounds that sufficient protection is afforded by policy CP2 of the Core Strategy. No further changes are proposed to this policy.
- 13.7 The Council also received objections from PCL (acting on behalf of Growen Estates and the Consolidated Property Group) in relation to other policies in this chapter; despite the changes made at draft stage PCL still thinks the 'Provision of local services in Employment Areas' policy is too restrictive and suggests the policy should allow more concentrated provision of retail in suitable locations. In response and following further research it is proposed to increase the floorspace limit to 280sqm; a figure that corresponds to the Competition Commission's definition of a small convenience store. The same consultant also considers the 'Access to jobs' policy to be unreasonable and onerous. No further changes are proposed to this policy.

Delivering Homes and Communities

- 13.8 This chapter, and in particular the 'Allocated housing sites' policy, was the subject of the majority of comments received. The draft document included a number of new sites assessed as suitable to deliver residential development by the Revised 2013 SHLAA. The inclusion of these sites overcame some of the previous objections made by consultants, developers and agents, but, not unsurprisingly, the inclusion of new sites raised a significant number of new objections from the public.
- 13.9 The site consisting of part of Eastern Fields (Pinhoe), which was previously allocated for employment development, attracted over 200 objections (a similar number of objections to that received in response to the employment allocation). Despite the failure of the village green application (a decision which remains open to challenge) residents still feel strongly that this open land should be retained for community use. However, the 2015 SHLAA concludes that part of Eastern Fields is suitable for development and can contribute to delivering the strategic housing requirement. Accordingly it is proposed to retain this site in the publication version of the document.
- 13.10 The new site consisting of land north of the West of England School (WESC) Foundation attracted about 130 objections. Local residents wish to see this green space (which is currently designated as part of Ludwell Valley Park) retained and are concerned that a safe access to the site cannot be achieved and that traffic and congestion problems will result. Objections were also received from Natural England (referring to the proposed allocation of the site as a County Wildlife Site and to its contribution to Green Infrastructure) and other conservation and amenity groups. The site was proposed for allocation in the draft document because the Revised 2013 SHLAA concluded the site was suitable for development. This conclusion was drawn at a time when Exeter's 5 year housing land supply was marginal and it appeared that the Core Strategy's target to deliver at least 12,000 dwellings over the plan period would otherwise not be achieved. This is no longer considered to be the case (although this judgement is dependent upon the inclusion of student accommodation which is still subject to the legal challenge at Home Farm and the outcome of the appeal at land to the north of Exeter Road, Topsham). The 2015 SHLAA concludes the land north of the WESC site is not suitable for development as it is outside the strategic locations for growth identified in the Core Strategy and therefore this land is no longer proposed for allocation in the publication version of this document. The current application for development will be determined with regard to the statutory development plan and all other material considerations (which could include an assessment of whether the benefits of enabling public access to the Valley Park could outweigh the visual harm to the Valley Park caused by the development).
- 13.11 A number of other sites also attracted objections from the public (The land to the east of M5, Topsham Road – Land at Exeter Cricket Ground – Land west of Newport Park). However, these sites have now been granted planning permission and therefore do not need to be considered by this document.
- 13.12 Consultants acting on behalf of developers and land owners draw attention to the omission of a number of sites from the 'Allocated housing sites' policy, however, all sites that the SHLAA concludes are suitable to deliver housing are included in the document. Whilst one comment specifically criticised the approach taken to determining which sites should be allocated, it is considered that the SHLAA is a robust and transparent way in which to make this assessment.
- 13.13 The publication version of the Development Delivery DPD has been updated to include the sites assessed by the 2015 SHLAA as suitable to deliver development.

The publication version now allocates 18 sites of which 8 sites are new to the document. These sites are listed below (with new sites highlighted):

DD7: *The following sites (for 10 or more dwellings) are allocated for residential and associated infrastructure development:*

	Gross Site Area (hectares)	Indicative capacity
<i>Exmouth Junction, Prince Charles Road</i>	4.9	175
<i>Exwick Middle School, Higher Exwick Hill</i>	1.2	50
<i>Land adjacent Exeter St Davids Station</i>	1.2	156
<i>Land off Liffey Rise</i>	0.6	13
<i>Land south of Apple Lane</i>	2.3	58
<i>Mary Arches Surface Car Park</i>	0.2	20
<i>Eastern Fields (part of)</i>	3.3	79
<i>Land opposite 7-10 Glenthorne Road</i>	0.5	19
Foxhayes First School, Gloucester Road	0.5	13
Land adjacent Exeter Arms Hotel, Rydon Lane	0.2	14
DOA & Exeter Mobility Centre, Wonford Road	0.8	24
Former Nursery to rear of 2-20 Locarno Road	0.2	11
Frickers Yard, Willeys Avenue	0.1	11
Bendene Hotel, 15-16 Richmond Road	0.1	10
Land at Exeter City Football Club (rear Big Bank)	0.7	37
Pyramids Leisure Centre, Heavitree Road	0.2	25
Royal Devon & Exeter Hospital (Heavitree Campus)	2.6	62
79 Heavitree Road	0.3	21

TOTAL

798

13.14 Whilst the inclusion of new sites will overcome some of the objections regarding the omission of sites/or lack of sites made by consultants, developers and land owners; it would again be expected that the inclusion of new sites would lead to new objections, in particular from the public, at the next stage of publicity.

13.15 Most of the other policies in this chapter did not attract significant comment. One of those policies to attract little comment was the 'Regeneration Areas' policy (DD7 in the draft document). However, further consideration suggested that adequate guidance was already available in the Core Strategy and this new policy added little; accordingly this policy has been deleted, although the Regeneration Areas are still referenced in the supporting text and allocated on the Proposals Map (It is worth noting that the deletion of what was policy DD7 from the publication version of the document results in a change in all subsequent policy numbers). Whilst the amendments made to the 'Housing on unallocated sites' policy at the previous stage led to fewer objections being received this time round, one agent was particularly concerned that the policy made inappropriate reference to the SHLAA. After further consideration it is proposed that this policy (DD8) is amended to delete direct reference to the SHLAA, although the supporting text will still refer. Two objectors also considered that housing development in residential gardens needed a standalone policy. Whilst it is still considered that DD8 adequately deals with proposals in residential gardens, additional text has been added to respond to comments relating to the prescriptive nature of the supporting text and the absence of any mention of innovative design solutions. Comments were also received in relation to the 'Housing for Disabled People' policy, with a number of agents considering the policy too onerous. Whilst there was evidence to support this policy the findings of the Housing Standards Review (conducted by DCLG) has meant radical review of this policy. The new policy, which will be re-named 'Accessible, adoptable and

wheelchair user dwellings', will require the implementation of the new national standards (introduced in March 2015). Whilst no comments were received in relation to the 'Residential Amenity' policy (DD13) this policy has also been updated to refer to the national standards on internal space.

Retail, Tourism and Culture

13.16 A number of respondents suggested that insufficient land is allocated for retail use and consider the document fails to meet the scale and type of retail needed in town centres (as required by the NPPF). Respondents suggested that new sites should be allocated for retail to the south west of Exeter adjacent to the A377 (within the Alphington/Whitestone Valley Park) and on land adjacent to Honiton Road and Fitzroy Road (this land is the subject of a current appeal with appellants CPG Development Projects Ltd arguing that the current proposed employment allocation should be set aside in favour of a proposal for significant retail led development). Work undertaken in support of the Core Strategy suggests that our existing city centre focused retail strategy is appropriate; therefore no changes are proposed to the document. The 'Change of use within retail centres' policy was not the subject of significant objection. However, following further consideration it is proposed to amend the policy and to identify one enlarged primary shopping area within the city centre where the policy will apply (together with the district and local centres). The revised supporting text emphasises that proposals should be assessed on their merits and the key consideration needs to be whether the proposal harms the vitality and viability of the retail area (however, it should also be noted that changes to permitted development rights mean that many proposals will not require planning permission and therefore will not be subject to this policy). The revised and re-titled 'Protection and enhancement of tourist and cultural facilities' policy was positively received although the Exeter Green Party consider there should be a presumption in favour of all year round tourist attractions to provide stability of employment and the Theatres Trust were concerned with the use of the word 'viable'. Whilst it is not considered reasonable to insert a presumption in favour of year round tourist attractions, the policy text already allows for proposals to be assessed on their merits. Additional text has been added to explain more fully what evidence needs to be provided to demonstrate a use is not viable.

Sustainable Transport

13.17 The policies in this chapter were largely supported. However, Alphington Village Forum and the Exeter Green Party questioned the safeguarding of land for a park and ride site at Idea/Alphington interchange on the A30, on the basis of the impact on the Conservation Area, the lack of adequate examination of alternative sites and the lack of any positive benefits. The principle of a park and ride at this junction is established in the adopted Core Strategy and Devon County Council has undertaken significant work to establish the rationale for the park and ride and its location. Accordingly it is not proposed to make any changes to the document. In regard to the 'Land safeguarded for the provision of transport infrastructure' policy (DD18) and other policies in this chapter, Devon County Council also made a number of suggestions for minor changes; these have been discussed and where considered helpful changes made.

Meeting Community Needs

13.18 Whilst there was significant general support for policies in this chapter, specific concerns were expressed regarding the wording of particular policies. Some were concerned that the wording of the 'Open space, Allotments, and Sport and Recreation Provision' policy did not accord with the NPPF (in that it didn't refer to developments for alternative sports and recreational provision) and did not encourage the provision of new facilities. Changes are proposed that ensure the policy text closely reflects the

NPPF and supports the provision of new facilities. A minor change is also proposed to the explanatory text for the 'Other Community Facilities' policy to ensure it is clear when the policy applies. A number of respondents were also concerned that the 'Assets of Community Value' policy was not clear and could be used to prevent development coming forward; some wanted the policy deleted. The policy and supporting text have been amended to ensure the policy is clear. However, it is considered that it is reasonable to give recognition to assets of community value in the planning system and therefore the policy is retained.

Locally Distinctive Places

13.19 This chapter attracted few comments. Those that expressed a view were generally in supported of these policies. However, one consultant considered the 'Design Principles' policy to be too draconian as it implied that all criteria need to be complied with. In response a minor change is proposed to make it clear that all the criteria will not be relevant to every proposal. A further change is proposed in response to comments from the Civic Society who requested reference is made to contemporary design. Whilst Exeter Green Party also suggested changes to this same policy to refer to sustainability and low-carbon measures, these issues are already covered by policy CP15 of the Core Strategy. One minor change is proposed to the 'Conserving and Managing Historic Assets' policy in order to state clearly that in the case where it is agreed that historic assets will not be retained, a scheme of archaeological work needs to be agreed in advance of development commencing on site (rather than in advance of planning permission being granted).

Environment

13.20 This final chapter mainly attracted expressions of support from amenity groups and the public. The 'Protection of Landscape Setting Areas' policy (DD29) was supported by RSPB, Devon Wildlife Trust, Natural England, and a number of members of the public. However, several consultants and land owners argued that particular land should be excluded from the designation; generally on the basis that the land was being promoted as suitable for development, although in one case because the land owner considered the boundary for the designation had been drawn incorrectly and in an arbitrary manner. In another case a group of land owners consider that the restrictive policies relating to the Valley Parks are unreasonably onerous and that they provide no support for landowners to manage the landscape. Specific objections were also received in relation to the designation of 'Monkerton Ridge Park' with one consultant in particular suggesting that the Council lacked a robust evidence base to support this designation and that there was doubt over the Park's deliverability. It is considered that the approach taken to landscape setting areas, which carries forward the approach in the Local Plan First Review and complements the Core Strategy, is reasonable, that the proposed boundaries are justified, and that the provision of the new Monkerton Ridge Park is supported by evidence and the concept can be delivered. Accordingly no changes are made in response to these objections.

13.21 The RSPB, Devon Wildlife Trust, Environment Agency and Natural England all made specific suggestions for text changes to the 'Biodiversity' policy (DD31). In response several changes to ensure clarity and consistency with the NPPF have been made. Other policies in this chapter attracted little comment although their importance was recognised by Natural England, the Environment Agency and the Exeter and East Devon Low Carbon Task Force.

13.22 Devon County Council made a number of suggestions for minor changes throughout this chapter; these have been discussed and where considered helpful changes have

been made. In particular policy DD29 has been amended to allow for development that delivers strategically important infrastructure where it can be demonstrated that there is no suitable alternative site with less harmful impacts.

Summary of comments

13.23 The above summary gives a flavour of the comments received and the responses proposed. However, it is not intended to be a comprehensive list of comments made or changes made. A full list of comments received and proposed responses (including any changes to policy and supporting text) is available in City Development.

14 NEXT STEPS

14.1 Subject to approval by Executive, the Development Delivery DPD will be published together with other 'proposed submission documents' for a period of eight weeks (the legislation requires at least six weeks). Delegated authority is sought for the Assistant Director City Development in conjunction with the Portfolio Holder City Development to make minor changes to the document prior to publication.

14.2 As part of the eight week publicity period letters/emails will be sent to every person and organisation on our consultation database, a press release will be issued and a notice will be placed in the Express and Echo. Throughout the publicity period information will be available on the Council Web site and hard copies of the document will be placed in Civic Centre reception and at city libraries.

14.3 Representations received on the publication version will be collated and any final changes drafted. The final submission version of the Development Delivery DPD together with supporting documents will then need to be approved by Full Council before being submitted to the Planning Inspectorate for examination on behalf of the Secretary of State.

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

Background papers used in compiling this report:

None

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