

**ITEM NO.**

**COMMITTEE DATE: 11 APRIL 2016**

**APPLICATION NO:**

16/0081/03

FULL PLANNING PERMISSION

**APPLICANT:**

Mr Lovell  
Heritage Developments (SW) Ltd

**PROPOSAL:**

Development comprising change of use to Golf Driving Range including erection of an 8 bay + 2 training bay driving range building incorporating reception and tractor store; associated flood lighting, 2m high mesh security fencing and 10m high netting; associated car parking and access.

**LOCATION:**

Land to the rear of Five Acres, Exeter Road, Topsham, Exeter, EX3

**REGISTRATION DATE:**

22/01/2016

**EXPIRY DATE:**

22/04/2016

### **HISTORY OF SITE**

There is no relevant planning history relating to this site.

### **DESCRIPTION OF SITE/PROPOSAL**

The application site comprises a 2.80 hectare parcel of land situated on the north side of Exeter Road, Topsham. The land is currently used for agricultural purposes. The site is L-shaped with a partial frontage to the road comprising the narrowest part of the site (approx 55m) which wraps around the existing residential property known as 'Five Acres'. The site opens up further away from the road into a roughly rectangular shape - this part of the site is bounded on two sides by further agricultural land, the existing University sports ground and the curtilage of Broom Park Nurseries and Collingwood B&B. The site is relatively flat and the boundaries consist predominantly of hedgerows and low wire fencing.

Permission is sought for a change of use of the land to form a golf driving range. This would involve the formation of a new vehicular access into the site from Exeter Road and new internal road leading through part of the site to a permeable surface car parking area. The access would comprise a new T-junction incorporating a diversion of the existing footpath and National Cycle Route partially into the site. Permission is also sought as part of the proposal for the erection of a driving range building comprising 8 driving bays, separate training bay, tractor store, reception/restroom and toilets. This is a single storey L-shaped building approximately 32 metres wide by 13m deep at the widest point reducing down to 6.5m deep at the narrowest point. Associated fencing is also proposed comprising sections of 2 metre high mesh security fencing, and 10 m high ball protection netting. The driving range will incorporate flood lighting comprising low level flood lighting mounted on the roof of the driving range building and ground mounted 'berm' lighting at various points within the range area itself.

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

The application is accompanied by a Planning, Design and Access Statement setting out the site characteristics, nature of the proposal, policy background and main planning considerations, and an Ecological Assessment.

## REPRESENTATIONS

### Objections

17 letters of objection (including one on behalf of the Topsham Society) have been received raising the following issues -

- 60 parking spaces excessive provision for a 10 bay driving range – hints at future expansion
- Erosion of Topsham gap – thin end of wedge
- Impact on landscape setting of area
- Covenant on site prevents erection of any buildings or structures
- Detrimental to adjoining B&B business – loss of quiet rural setting
- Impact on wildlife – owls, bats, foxes and badgers (badger sett nearby)
- Highway safety impacts – additional traffic crossing pedestrian and cycle path, general safety of access – recent accidents
- Conflict with national cycle path route
- Interruptions to traffic flows on main road – further general congestion from additional traffic attracted to site
- Increased localised flooding associated with tarmacked parking area
- Light pollution
- Noise pollution – repetitive sound of golf balls being hit
- Wrong location for this sort of development
- Old driving range has managed without lighting
- Concerns re future clubhouse
- Visual impact of fencing/netting

Specifically the representation on behalf of the Topsham Society states -

"Whilst it is noted that the application falls broadly within the landscape and recreation classification contained within policy CP16 of the Exeter Core Strategy, the council will be aware of the Society's concerns regarding the protection of the landscape setting designation of the "Topsham Gap" and its role in preventing the coalescence of Topsham with Exeter. In this respect, whilst recreation use, the proposal does constitute *development* and the Society would not wish that any approval would be used incrementally to justify intensification/further development options in the future.

In this respect the Society would request the Council that if minded to grant approval, that the application be subject to stringent Section 106 provisions to apply in perpetuity to ensure development intensification does not occur and this remains part of the green infrastructure of the district.

In respect of detailed matters the Society would comment:

- 1 That access to the site should be designed to have minimum visual impact at Exeter Road junction.
- 2 That a full assessment of range lighting be undertaken to ensure that adjoining properties do not suffer nuisance but also that night time "sky glow", that would visually disrupt the landscape setting, be avoided."

### Support

3 letters of support (including one from the Chairman of the Golf Club) have been received raising the following points -

- Proposal forms part of a wider strategy which would enable the Golf Club to release its existing practice ground at Newcourt for much needed housing development whilst at the same time securing long term future of Exeter Golf and Country Club and helping to preserve the "Topsham Gap"

- Lighting is crucial to viability of proposal and has been designed with low level lighting to minimise any impact
- Current practice area not fit for purpose
- Will provide extra employment opportunities in the area
- Will not generate significant levels of vehicular traffic and therefore have limited highway impacts
- Use is quiet and will not generate significant noise, particular given the context of existing Motorway noise
- Use compatible with other nearby sporting uses

## **CONSULTATIONS**

**DCC (Lead Local Flood Authority)** – Initially objected in absence of appropriate surface water drainage management plan. Further information (Drainage Maintenance Schedule) has since been provided by the applicant and a revised consultation response based on this additional information is awaited and will be reported via the update sheet.

**Environmental Health** – “I am concerned that the light spill from the proposed development could result in a statutory nuisance. I would suggest that the lighting is re-designed to reduce light spill beyond the site boundary. If consent is granted then I would suggest a condition which also restricts the hours of use of the floodlights.”

Since these original comments were made a revised lighting plan has been submitted clarifying potential light spill. Based on this information Environmental Health have confirmed that the lighting would be acceptable providing the lighting is switched off at 8.30pm.

**DCC (Head of Planning, Transportation and Environment)** - Comments as follows –

“The submitted application is for a 10 bay driving range on Exeter Road. As set out in the Design and Access Statement, this facility is intended as a replacement of the existing driving range at the Golf club.

The submitted site plans show provision for 45 car parking spaces. Given the site use, this seems excessive. Nevertheless the level of traffic generation from a driving range is expected to be modest and subject to a suitable access, the additional traffic is not a significant concern.

Vehicular access is proposed via a priority junction from Exeter Road. The access will cross the current shared use path on the north side of Exeter Road. This path forms part of the National Cycle Network (NCN2) and the protection of this route is fundamental to the acceptability of the proposal.

To maintain priority for pedestrians and cyclists across this access the revised site plan *drawing DRNG 01 Rev 3.7* shows a Cycle Track Priority crossing, to be in accordance with the Sustrans design handbook. This arrangement is considered acceptable, although the detailed design will however need to be agreed prior to commencement. As the proposal takes cyclists over what is currently private land, the applicant is advised that these will need to be dedicated as highway and the works will need to be undertaken under appropriate agreement.

To protect the function of this route, the access arrangements should be provided before any part of the onsite construction work commences.

Subject to conditions to ensure the appropriate access arrangements and protect the NCN2 route, no objection.”

## **PLANNING POLICIES/POLICY GUIDANCE**

## Central Government Guidance

NPPF - particularly paragraphs 6-16 (Achieving sustainable development), paragraph 17 (Core planning principles), Section 7 (Requiring good design), Section 11 (Conserving and enhancing the natural environment), Section 12 (Conserving and enhancing the historic environment) and paragraphs 186-206 (Decision-taking).

## Exeter Local Development Framework Core Strategy

### Vision and Objectives

CP9 - Transport

CP10 - Meeting Community Needs

CP16 - Green Infrastructure

CP17 - Design and Local Distinctiveness

CP19 - Strategic Allocations

## Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development

AP2 - Sequential Approach

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

EN4 - Flood Risk

EN5 - Noise

DG1 - Objectives of Urban Design

DG3 - Commercial Development

DG7 - Crime Prevention and Safety

## Exeter City Council Supplementary Planning Document

### Archaeology and Development SPG

## Exeter City Council Development Delivery DPD

DD1 - Sustainable Development

DD13 - Residential Amenity

DD20 - Sustainable Movement

DD21 - Parking

DD25 - Design Principles

DD26 - Designing out Crime

DD29 - Landscape Setting Areas

DD34 - Pollution

## **OBSERVATIONS**

### **Background**

Although not directly relevant to the assessment of the merits, and consequently determination of the proposal the subject of this application, it is worth noting that this proposal forms part of a wider strategy of the Golf Club to secure their long term future viability. Part of this strategy includes the release of the existing driving range (which lies within the Newcourt Strategic Allocation) for development. The relevance of this to the

current application is that release of this land is dependent upon alternative provision for a driving range being secured.

The main considerations in respect of this application relate to the principle of the development, relationship to surrounding land/properties (principally in terms of amenity impacts), transportation matters, archaeology and ecology/sustainability.

### Principle of Development/Policy background

The site lies within an area identified as Landscape Setting in both the Adopted Local Plan and Core Strategy.

Policy LS1 states –

“Development which would harm the Landscape Setting of the city will not be permitted. Proposals should maintain local distinctiveness and character and:

- (a) Be reasonably necessary for the purposes of agriculture, forestry, the rural economy, outdoor recreation or the provision of infrastructure; or
- (b) Be concerned with change of use, conversion or extension of existing buildings;

Any built development associated with outdoor recreation must be essential to the viability of the proposal unless the recreational activity provides sufficient benefit to outweigh any harm to the character and amenity of the area.”

The supporting text to Policy LS1 contains the following text at paragraph 11.8 in respect of land locally known as the ‘Topsham Gap’, of which the application site forms a part –

“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.”

This text is reflected in the supporting text to policy CP16 of the Core Strategy which states –

“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. Whilst this area has a low intrinsic landscape value, the role it plays makes it sensitive to development.”

The text of policy CP16 refers to the character and local distinctiveness of specific areas (of which the ‘Topsham Gap’ is one) being protected, and the potential for proposals for landscape, recreation, biodiversity and educational enhancement to be brought forward.

The key consideration therefore in respect of the application proposal in terms of its acceptability from a policy context is whether it would harm the landscape setting of the city by virtue of its impact upon the local distinctiveness and character of the area. Paragraph 11.4 of the supporting text to policy LS1 states –

“Proposals for active outdoor recreation will be dependent on establishing that harm would not be caused to the character or amenity of the area, particularly by the nature, scale, extent, frequency or timing of the recreational activity, including the impact of noise. For example, keeping horses as stock is a normal rural land use but developing an area for outdoor recreation where horses may be used, such as a dressage ring, riding school or

facilities for regular events, may impact on the landscape through the provision of car parks, public toilets or information centres. The extent and visual impact of land forming works, including the formation of playing surfaces, terraces or mounding and the planting of trees, needs to be planned with care. Built development should only be included if it is necessary to facilitate the proposal such as a changing room associated with a playing field, and is designed to maintain local distinctiveness and character although the benefit of the recreational activity will be weighed against the harm to the character and amenity of the area. If the principle of the proposal is acceptable the impact of traffic in the landscape should be reduced by ensuring that the development is accessible by a choice of means of transport.”

The proposal clearly falls within the category of outdoor recreation and the applicants have indicated that the driving range building and flood lighting are essential to the viability of the proposal. The driving range building is single storey and of fairly utilitarian design incorporating elements of vertical timber cladding. This building together with the access road, car parking and associated fencing and lighting will inevitably have some impact on the appearance and character of the site compared to the current agricultural use. However, the majority of the site will remain green and undeveloped and judgement regarding the impact on the character and local distinctiveness of the area needs to be made in the context of prevailing surrounding land uses. A large part of the 'Topsham Gap' to the west of the site is in use as sports pitches and playing fields associated with Exeter University, with associated fencing etc. Land to the east has been the subject of a recent Public Inquiry relating to an application for housing - the decision on this is still awaited. The proposed use would largely preserve the 'openness' of the site, and in giving it a viable use would at least in the short - term reduce potential pressure for more intensive development of the site for residential use. Considered in this context it is not felt that the impact of this proposal upon the character and local distinctiveness of the area would be significant and that therefore in principle the proposal is acceptable from a policy perspective.

#### Amenity Impact/relationship to surrounding properties

It is not considered that the proposal would have any significant detrimental impact upon the residential amenity of properties situated opposite the site on the south side of Exeter Road.

The main potential amenity impacts arising from the development are associated with stray golf balls landing on adjoining property, and light pollution from the associated flood lighting. There is one residential property (which also operates as a B&B) located close to the southern boundary of the main part of the driving range site, and this is the property most likely to be affected by the development. Other properties on Newcourt Road are significantly further away.

The proposal includes fencing along the driving range boundaries consisting of 2 metre high mesh security fencing, with additional sections of 10 metre high netting along parts of the north and western boundaries abutting the University sports ground. Obviously the fencing/netting will be visible and there is a balance to be struck between protecting surrounding land/neighbours from stray balls and visual impact. Clarification was sought from the applicant with regard to the adequacy of the extent and nature of fencing proposed to ensure that it does effectively minimise the potential for golf balls straying from the site. The applicant has responded as follows -

"So far as the location of the netting is concerned, this is based on the requirements of the golf architect acting for EGCC who has run an analysis to determine, given the angles and distances, what parts of the boundary require netting to allow for the calculated ball strike zone. We have reflected the specified requirements of the Golf Club on the submitted drawings."

In the absence of any contrary information it is considered appropriate to accept the extent of netting proposed. The issue of golf balls straying from the site will remain the responsibility of the operator in the future.

It is not considered that the fencing itself will have any significant adverse impact on the residential amenity of surrounding properties and indeed the 2m high sections of mesh fencing around site could actually be erected as 'permitted development' without planning permission. Visually it is important that the fencing is erected inside existing hedgerows to enable their retention and this could be secured by an appropriate condition.

The flood lighting is essential to the viability of the scheme in terms of facilitating use of the driving range during winter months. The applicant has indicated that without the lighting the scheme would not proceed. The lighting scheme comprises lights attached to the roof of the driving range building and 3 lines of ground level 'berm' lighting within the range area itself. The lights on the building will be approx 600mm above the fascia of the building and be directed down the driving range. They are only intended to cover the area up to the first row of 'berm' lights. Each row of the ground mounted 'berm lighting (3 rows - 2, 3 & 2 lights) illuminates the stretch of the driving range up to the next row.

Based on further clarification of the lighting and potential light spill Environmental Health have now provided revised comment that this would not amount to a statutory nuisance in terms of light pollution. Inevitably it does represent a change to the local environment from current situation. However, given the low level nature of the lighting, and based on the comments of the Environmental Health officer it is not considered the lighting would result in fundamental adverse amenity impact that would warrant refusal providing the hours of use of the lighting are restricted to 8.30pm. This can be secured by an appropriate condition.

There will inevitably be some noise associated with the proposed use, including the sound of golf balls being struck. However, it is not considered that this would amount to such a significant adverse amenity impact that would warrant refusal of the proposal. It is considered appropriate to restrict the overall hours of use of the driving range by condition to minimise disturbance.

### Transportation Matters

The proposal incorporates a new access from Exeter Road to serve the driving range. This access incorporates a slight deviation to the foot/cycle path that runs across the site frontage to provide adequate visibility and priority arrangements. 60 parking spaces were originally proposed but in response to representations, and having given further consideration to the level of provision required revised drawings have been submitted reducing this to 45 spaces, at least two of which will be disabled parking spaces.

Whilst the Highway Authority have questioned the need for the number of parking spaces proposed they have indicated that there is no highway objection to the proposal subject to appropriate conditions to ensure the access works are completed before other development works on site in order to protect the function of the National Cycle Network route (NCN2) that currently runs along the site frontage. The overall level of potential traffic generation associated with this use is considered acceptable.

### Archaeology

The site has been identified as having the potential for remains of archaeological interest and will therefore require further on site investigation prior to the commencement of development works.

Normally this survey/evaluation work would be required to be undertaken prior to any permission being granted to establish the presence of any remains and their relative significance given the potential for disturbance associated with works comprised in the

proposal. The applicant has acknowledged the potential for remains to be present on site but requested that the survey work be delayed until the principle of development has been granted due to the costs involved and the provisional nature of the land purchase. Given the specific nature of the development proposed, and the fact that large parts of the site will remain undisturbed, the Council's Heritage Officer has accepted in this instance that the requirement for this further evaluation/investigation could be conditioned. The conditions would still require the works to be done prior to the commencement of the approved development works.

### Ecology/Sustainability

The site essentially comprises a bare field that has been previously used for turf growing. The submitted Ecological Assessment includes a Summary that states the following in Section 1.4.

"The author considers that the proposed development would not result in any ecological losses of any significance. The potential driving range is currently made up of bare ground that is being colonised by arable, garden and hedgebank 'weeds'. The wildlife value of the site is restricted to the banks and hedges and these will be retained and enhanced by additional planting. The need for mitigation is therefore very limited, but landscape planting will nevertheless be used to enhance the site. Since most of the topsoil has been stripped, it would be far easier to establish areas of flower rich grassland within the site than it would be in a site where most of the fertile topsoil is in situ. The proposal is likely to have little impact on bats or on nesting birds, if precautions are taken to make the netting that would be needed to prevent golf balls from driven over the boundaries, physically obvious to both birds and bats." The location of a badger sett in the vicinity is mentioned.

The boundary fencing could incorporate appropriate design features to facilitate continued access to and across the site by any badgers resident in the identified sett, and the boundary netting can incorporate features to mitigate against any potential impact to foraging birds/bats. In light of the above, and given the minimal nature of physical works involved (access road, car park and driving range building, and associated fencing), provided the development is implemented in accordance with the recommendations and mitigation measures set out in the submitted Ecological Assessment, it is not considered that the proposal would give rise to any significant adverse ecological impacts such that they would warrant refusal of the proposal.

Drainage will be dealt with by a sustainable urban drainage approach in respect of surface water disposal associated with the driving range building and the car park. The car park will be constructed from a permeable surface and surface water associated with the driving range building will be discharged to a soakaway. Following this additional clarification an updated consultation response is expected from DCC (Lead Local Flood Authority) and this will be reported via the update sheet.

Representations have highlighted recent events of water pooling on parts of site. The applicant has indicated that this is probably result of past operations on the site and whilst no significant alterations to site levels are proposed as part of the development steps will be taken to try to address standing water on parts of the site. Notwithstanding this it is not considered that the use proposed would result in any significant risk of flooding to the surrounding area.

### Conclusions

Whilst the proposed development does represent the development of a current agricultural field, it is for outdoor recreational purposes and in this context is considered consistent with adopted policy. It will inevitably result in some change to the character and local distinctiveness of the area but considered in its context it is not considered that the impact would be significant. Essentially the majority of the site will remain open and as this is the



fundamental, and essentially important characteristic of the 'Topsham Gap' rather than any intrinsic landscape value the change of use of the land and associated minor visual changes are considered acceptable. Therefore, subject to the minor outstanding matters being satisfactorily resolved it is considered that the proposal should be approved.

### **DELEGATION BRIEFING (22/03/16)**

Members noted the representations received and the fact that the application would be referred to Planning Committee for determination. It was also noted that negotiations regarding the flood lighting were ongoing. Members indicated that subject to the flood lighting design being considered acceptable in design terms/amenity impact the hours of operation should be restricted by an appropriate condition.

### **RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on the 11th January, 19th and 29th March 2016 (*dwg. nos. 01 Rev 3.7, 02 Rev B and UKS11463\_1*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 4) C57 - Archaeological Recording
- 5) No development shall take place within the application site until the means of construction of foundations and formation levels for the road and parking area have been agreed in writing by the Local Planning Authority. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure that disturbance to important archaeological remains is minimised.
- 6) No other part of the development hereby approved shall be commenced until the full technical details of the site access onto Exeter Road have been approved in writing by the Local Planning Authority.  
**Reason:** To provide a safe and suitable access is achieved and protect the function of the primary cycle route, in accordance with paragraphs 32 and 41 of the National Planning Policy Framework.
- 7) No part of the development that is a distance greater than 15.0 metres from Exeter Road shall be commenced until the proposed vehicle access onto Exeter Road has been provided in accordance with details agreed under condition 6. The access to be retained for those purposes at all times.  
**Reason:** To ensure that a safe and suitable access is achieved and protect the function of the primary cycle route, in accordance with paragraphs 32 and 41 of the National Planning Policy Framework.

- 8) C35 - Landscape Scheme
- 9) Construction work shall not take place outside the following times: 8am to 6pm (Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of the amenity of occupants of nearby buildings.
- 10) Unless otherwise agreed in writing by the Local Planning Authority the use hereby approved shall not be carried on other than between the hours of 08.00am and 09.00pm Mondays to Fridays and 09.00am to 09.00pm on Saturdays and Sundays.  
**Reason:** So as not to detract from the amenities of the near-by residential properties.
- 11) Unless otherwise agreed in writing by the Local Planning Authority the flood lighting hereby approved associated with the use of the driving range shall only be used between the hours of 08.00am and 08.30pm Monday to Friday and 09.00am and 08.30pm Saturdays and Sundays.  
**Reason:** So as not to detract from the amenities of the near-by residential properties.
- 12) The development hereby approved shall be implemented in accordance with the recommendations and mitigation measures set out in Section 6 and 7 of the submitted Ecological Assessment (Sunflower International Ecological Consultancy) dated March 2016.  
**Reason:** To ensure that the development proceeds in a manner that appropriately mitigates any potential ecological impact associated with the development.
- 13) The boundary fencing and netting hereby approved shall be erected in accordance with further detailed drawings which shall be submitted to and approved in writing by the Local Planning Authority prior to their erection. The details will be expected to demonstrate that the boundary treatments will be erected inside of existing boundary hedgerows to facilitate their retention, that the fencing incorporate features to ensure wildlife can still obtain access across the site, and that the netting incorporates appropriate features to aid its detection by bats. Thereafter the boundary treatments shall be erected strictly in accordance with the approved details.  
**Reason:** In the interests of the visual amenity of the area and to ensure that the detailed design of the boundary treatments are acceptable.

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