

ITEM NO. 5**COMMITTEE DATE: 25 JULY 2016**

APPLICATION NO: 15/0878/01 **OUTLINE PLANNING PERMISSION**
APPLICANT: Exeter College
PROPOSAL: Outline planning application for up to 101 homes, a new sports pitch and changing facility, public open space including children's play areas and associated highways and drainage infrastructure with all matters reserved except for means of access.
LOCATION: Playing Field Off, Wear Barton Road, Exeter, EX2
REGISTRATION DATE: 19/08/2015
EXPIRY DATE: 14/10/2015

HISTORY OF SITE

Planning permission (14/0283/03) was granted in 2014 for the installation of a boundary fence around the playing field. This permission has not been implemented but is still extant.

DESCRIPTION OF SITE/PROPOSAL

The application site (3.99 hectares) is a playing field to the south of existing properties in Wear Barton Road, to the west of properties in Glasshouse Lane and north of the Riverside Valley Park. The site is currently owned by Exeter College who permit use by a local football team on two marked out football pitches. The site has been used by local residents for informal recreation. The site is predominantly flat but appears as a raised plateau when viewed from the Valley Park, although this view is partially obscured by existing mature vegetation. An area of open land fronts Wear Barton Road where the sole vehicular access is proposed to serve the development. In addition, the Wear Barton Road frontage contains a flat roofed changing facility, which is proposed to be demolished. Electricity power line(s) cross part of the southern section of the site.

This outline planning application proposes up to 101 dwellings over a site area of 2.77 hectares. In addition, it proposed to provide a full size football pitch, a new changing room facility and associated car parking which is indicated within the submitted illustrative plan to be located alongside the boundary with the Valley Park. This playing pitch and associated buildings/uses would occupy 0.72 hectares of the site. The remainder of the site (0.5 hectares) would be used as informal public open space, which would also include a children's play area.

This is an outline planning application with all matters reserved except for access. The proposed vehicular access would be centrally sited from Wear Barton Road between the existing changing rooms (scheduled for demolition and replacement alongside the new football pitch) and 8 Wear Barton Road.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting documents:–

Design and Access Statement

The Statement contains the following section:- background; site context; the site; the proposal; purpose of document; the application content; scope and structure of document; constraints and opportunities; ecology and vegetation; topography; transportation and access - a sustainable location; utilities and services; flood risk and drainage; preliminary landscape appraisal; concept approach; approach to sustainable design; amount and use; scale; street

hierarchy; access; parking; secured by design; landscape/open space and appearance/sustainable design.

The Design and Access Statement demonstrates that up to 101 new dwellings can be developed on the site adding positively to the Lower Wear area of Exeter in a manner that is sensitive to the wider setting of the locality.

The proposed development would provide a well considered environment delivering an upgraded senior football pitch and new changing facilities, publicly accessible open space and children's play area that would be assets for the wider community.

Overall the proposed development represents a sensible proposition in an established and sustainable urban location. It will provide much needed new housing as well as many identifiable tangible and long lasting benefits for the local and City.

Planning Statement

The primary reason for the application is that permission would generate a land receipt for the College which it would use to improve sports pitch provision in the City by replacing two private (not publicly accessible), sub standard pitches at the application site with one improved and accessible pitch with new changing facilities and parking and a new, floodlit, publicly accessible pitch, elsewhere in the City.

Executive summary states that:-

- *Exeter College owns the site which comprises playing pitches not accessible to the public and not used by the College.*
- *Exeter College invests heavily in sports facilities for its students and has a track record of sharing these facilities with City residents.*
- *As part of a wider Exeter College Asset Management Plan, designed to benefit both students and City residents, the primary reason for the application is to generate a land receipt for Exeter College which would allow it to provide a quality, publicly accessible, playing pitch with changing facilities and parking at the site, and supplement the delivery of a high quality, floodlit, 3G pitch, which would also be publicly accessible at Exwick.*
- *The proposal would improve sports provision for the College and City residents.*
- *Spatial policy identifies Exeter as a sustainable location for strategic housing development where moderate to large scale housing development to serve both local needs and those of the surrounding area should occur in line with best planning practice of focusing development around existing urban areas where the vast majority of physical, social and community, transport and green infrastructure exists.*
- *This scheme would contribute to the delivery of a socially balanced sustainable urban infill development in Exeter contributing up to 101 dwellings, 35% of which would be affordable.*
- *Paragraph 49 of the NPPF states that 'housing applications should be considered in the context of the presumption in favour of sustainable development... Relevant policies for the consideration of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites'.*
- *The recent appeal decision on Land at Home Farm, Church Hill, Pinhoe concluded that Exeter City Council has a housing land supply to deliver only 3.6 years of housing. The current deficit in housing provision and the contribution that this proposal would make in addressing it is a strong material consideration in support of this application.*
- *As the Council cannot demonstrate a five year supply of deliverable housing sites under adopted policy, its existing policies for the supply of housing cannot be considered up-to-date. It therefore has to consider only whether this site is in a sustainable location for residential development and given that it is surrounded by residential development it could not reasonably be argued that it is not in a sustainable location for such development.*
- *Exeter is the regional centre and meeting demand in this area requires an ongoing supply of new development in any case.*

Statement of Community Involvement

Various methods of engagement were used to engage effectively with local residents, stakeholders and other community representatives and inform the Exeter College proposals for the land at Wear Barton Road. These methods included meetings with community representatives; a comprehensive consultation website; online questionnaire; press coverage; press adverts and letters to residents and stakeholders.

The activity raised widespread local awareness of the Exeter College proposals and the context within which they had been developed. All communication listed a variety of ways in which more detailed information could be viewed and how comments on the proposals could be submitted to help shape the plans ahead of a planning application.

Significant effort was made to ensure that people in the surrounding vicinity were properly informed of the facts, background and purpose of the project and that they were provided with opportunity to comment to help refine the plans.

Transport Assessment

This report has investigated the transport implications of the development proposals for the residential developments proposed on land off Wear Barton Road.

It identifies that there are no accident black spots on the surrounding highway network; that there will be negligible impact on the free flow of traffic using the highways; and that capacity at the Topsham Road junctions assessed will not be compromised with the additional development traffic.

The network of footways and cycle ways will encourage other forms of movement to and from the site in accordance with national and local policies.

The Transport Assessment has assessed the likely effects of the traffic associated with the development proposals. With the implementation of mitigation measures such as an appropriate Management Plan and suitable liaison with the District and County Council the residual traffic and transport effects are temporary effects and have been assessed overall as having a minor adverse impact.

The developer will agree to pay a contribution of £500 per dwelling towards the implementation of the Residential Travel Plan for the proposed development.

It is concluded that this development is appropriate and acceptable in traffic and transport terms. It is considered that the increase in traffic movements associated with the development proposals at this location would be easily accommodated on the highway network. They will not have a detrimental impact on the free flow of traffic on the highway network.

Heritage Statement

There are no designated heritage assets within the proposed development site and no significant non-designated heritage assets have been identified. Geophysical survey has recorded anomalies consistent with features of agricultural origin, including medieval ridge and furrow. However, these are considered to be of only very limited, or no, heritage significance and would not preclude development within the site.

Geo-environmental Phase 1 Desk Study Report

No significant contamination or stability issues have been identified that would preclude appropriate redevelopment of the site.

Intrusive investigation is recommended to provide design information for foundation and drainage design for any new development and to confirm the anticipated absence of significant pollutant linkages. This is likely to be undertaken by either trial pitting if access allows or window sampling with installation of groundwater monitoring wells.

Flood Risk Assessment

The site surface water runoff from the proposed development will drain via infiltration features such as underground storage or precast ring systems.

If the site is developed as proposed within the FRA it provides opportunities to alleviate some of the existing runoff from the site and offer overall betterment of existing runoff rates.

The architect's conceptual layout plan includes large areas of public open space and these areas provide suitable locations to include highway soakaway structures. Other areas of parking or garden areas provide locations to install private soakaway structures.

Ecological Phase I Survey

The Exe Estuary SSSI, SPA and Ramsar is situated adjacent to the site; any development should consider buffering this feature. A green open space might incorporate a traditional Devon hedgebank along the site's perimeter and/or native tree planting with an associated adjacent grassland corridor so as to provide an enhanced 'graded' transition from this significant habitat feature. No statutory or non-statutory sites would be directly affected by any appropriate proposed development of the site.

No badger setts were found on or immediately adjacent to the site.

No local population of bats would be affected by any appropriate development of the site.

The small area of unmanaged grassland and isolated trees along the southern boundary provided sub-optimal bird breeding habitat. .

No habitats relevant to dormice were present.

A small area of unmanaged grassland and piles of cut grass provided sub-optimal reptile habitat along the southern boundary of the site.

Any new south or west facing building elevations have the potential to incorporate bat boxes within the stonework/render; any new east or north-facing elevations have the potential to incorporate bird boxes within any stonework/render.

Any landscape planting should consider native wildflower and grass mixes. Any new boundaries should be of traditional hedgebank type.

Cirl Bunting Survey

The initial assessment during the Phase 1 field survey concluded that the vegetation on site did not represent suitable cirl bunting habitat; no scrub or hedges were present for nesting and the uniform mown sward provided few foraging opportunities. Scrub and secondary woodland adjacent to the site did provide limited suitable habitat.

Provision for nesting birds should be incorporated into any proposed development; any new east or north facing elevations have the potential to incorporate bird boxes within any stonework/render. Such features would enhance the potential ecological value of the site.

REPRESENTATIONS

148 letters/emails of objection have been received. Principal comments raised:

1. Contrary to findings of the Strategic Housing Land Availability Assessment;
2. Create a precedent for development on other playing pitches;
3. Unfair that development at Countess Wear will fund sports improvement at Exwick;
4. Loss of green open space;
5. Loss of playing field will reduce areas for children to play;
6. Reduction in number of sports pitches from 3 to 1, will limit existing clubs ability to expand;
7. Alternative playing fields at King George playing fields too far away and across a busy road;
8. Loss of open space/playing pitches will have a negative effect on public health and general well-being;
9. Proposed location of open space under pylons will restrict use;
10. Limit the site for community use ie football tournament, fun days etc;
11. Exacerbate the existing problem of unpleasant odours from the nearby sewer treatment works;
12. Increase traffic generation within an already congested road network;
13. Create potential highway safety implications for Glasshouse Lane /Topsham Road;
14. Greater parking problems for existing residents;
15. Increased use of local roads to be used as a 'rat run' from Topsham Road to Bridge Road;

16. Greater traffic will increase pressure on existing roads which already require repair;
17. Increased levels of air pollution;
18. Lack of cycle routes within the scheme;
19. Increased dangers to pedestrian especially children from greater traffic generation;
20. Construction traffic will cause problems of increased traffic, noise, dust and disruption to the area;
21. Overdevelopment, too many dwellings for the site;
22. Indicative layout shows dwellings too close to existing houses;
23. Loss of outlook;
24. Potential for overlooking and loss of privacy;
25. Football pitches should be adjacent 100 club to promote greater/more accessible usage;
26. Poor level of amenity for future residents;
27. Increase pressure on existing oversubscribed doctor/dentist/hospital/school places;
28. Loss of wildlife habitat;
29. Increased risk of flooding;
30. Lack of community centre in the area;
31. Contrary to original lease agreement that College retain the area for recreational use.

CONSULTATIONS

County Head of Planning Transportation and Environment raises no objection subject to the imposition of suitable conditions .

Traffic Generation

The submitted TA suggest two way peak hour vehicular trips of 0.51 (AM Peak - 0.40 Outbound/0.11 Inbound and PM peak – 0.18 OB/0.33 IB). These trip rates are approximately 10% higher than those used in the Seabrook Orchards application, Newcourt Access Strategy and in the County's East of Exeter modelling work and therefore considered acceptable. Applying this to the proposed development gives rise to 50 peak hour vehicle trips. In addition, although not set out in the TA, the proposed development would be expected to generate approximately 30-35 peak hour walking and cycling trips.

Vehicular trips have been distributed onto the road network based upon the 2001 Census TTW data. This is shown on Figures A15 and Figure A16 and show 40 trips through Countess Wear junction in the AM peak. However, considering the most recent TTW work data and local observations, these are felt to overestimate the traffic through Countess Wear Roundabout. Instead, more traffic would be expected to use Topsham Road east and Admiral Way and therefore the actual impact at Countess Wear Roundabout would be closer to 25-30 two way peak hour trips.

Junction Impact

The submitted TA has indicated the impact of the development on three key junctions for a 2021 forecast year:

- The priority junction between on Topsham Road with Glasshouse Lane;
- The signalised junction between Topsham Road and Higher Wear Road and;
- Countess Wear Roundabout.

The submitted modelling shows the priority junction on Glasshouse Lane to work comfortably. Although this does not take into account the queuing from Countess Wear roundabout that occurs in the peak periods, when queuing blocks back to here, cars will be able to pull out of the minor arm to join the slow moving traffic on Topsham Road. Although this situation is not ideal, it occurs elsewhere across the city and is not unsafe. The additional development traffic making this movement, expected to be around 20 vehicles an hour, is not a cause for concern.

The signalised junction of Topsham Road/Admiral Way/Wear Barton Road is predicted to operate within capacity in future, and the additional traffic from this development does not change that. Again, blocking back from Countess Wear in the AM peak is not considered in

the analysis. Nevertheless, with traffic to and from Countess Wear roundabout primarily expected to use the Glasshouse Lane junction the magnitude of additional development traffic on Wear Barton Road, 15 vehicles per hour – corresponding to one vehicle every three signal cycles, is not expected to change this.

Although additional travel demand through Countess Wear Roundabout is a concern, this magnitude is low and is not expected to result in a severe impact. Furthermore, given the site has excellent access to the National Cycle Network/riverside cycle routes and is well served by regular public transport services there are opportunities for modal shift and peak spreading to further help reduce the vehicular impact from this development.

Access

Vehicular access to the site is proposed via a new raised table priority junction onto Wear Barton Road, as shown in Drawing SK010 Rev C. The proposed raised table would replace the existing speed hump. The geometries of the junction, including curve radii have been reduced in accordance with Manual for Streets design ethos as appropriate in a residential environment.

The access road into the site comprises a 5.5 metre width carriageway, with footways on both sides and a segregated cycle facility to the east of the access road. The cycle facility is proposed to continue through the site and into the south west corner of the site and onto Glasshouse Lane. A new bus shelter is also proposed on Wear Barton Road, serving passengers from both the site and existing residences. The overall concept is acceptable, although the detailed design will need to be progressed through a S278.

It is hoped that the cycle route could be extended through the whole site to rejoin Wear Barton Road through the area of garages at the eastern end of the site. It is understood that these garages are owned by Exeter City Council and the potential for this has been raised. Such provision would provide a significant improvement to this section of the Exe Estuary Trail and it is hoped that all parties will use their best endeavours to enable this to be achieved.

Wider Network

To enhance pedestrian and cycle connectivity to the wider network, including the routes to and from Newcourt primary school and rail station, the applicant is proposing to upgrade the pedestrian crossing provision at the Topsham Road/Newcourt/Higher Wear Road signalised junction. This includes:

- providing a pedestrian/cycle signal stage on the existing informal crossing of Topsham Road on the western arm,
- addition of an informal crossing point of Topsham Road on the eastern arm.

An indication of these changes is shown on drawing SK03B and the final details will need to be approved through a S278.

These changes will enhance the safety of routes from Countess Wear to the north, and also improve access in the reverse, particularly for cyclists from Newcourt heading towards the Exe Estuary Trail.

Internal Roads and Layout

Well-designed residential streets are central to sustainable development and therefore the design of the internal road layout must accord with the principles of Manual for Streets and appropriate sustainable design guidance.

The applicant is advised that car parking standards are set out in the Exeter City Residential Design Guide and that secure cycle parking facilities will need to be in accordance with Chapter 5 of Exeter City Councils Sustainable Transport Supplementary Planning document.

Reflecting the sites proximity to a number of primary cycle routes these standards should, where practical, be exceeded.

As an outline application these details are reserved for approval at a later stage. However, to ensure a suitable layout it is recommended that the applicant liaises with the highway authority prior to any application for reserved matters approval.

Travel Planning

In accordance with paragraph 36 of the NPPF the development will be required to have a Travel Plan. DCC is currently adopting a new approach for residential Travel Planning in the Exeter area with contributions paid directly to the Council for them to implement the Travel Plan and its measures. Consequently, a contribution of £500 per dwelling should be secured as part of any S106 agreement.

Other Matters

A condition is also recommended to ensure that appropriate facilities for all construction traffic are provided on site before the commencement of any part of the development hereby approved.

To ensure that appropriate restrictions are implemented across the site a contribution of up to £5,000 is recommended towards the cost of relevant Traffic Regulation Orders.

Summary

Although the additional traffic from an unallocated site through Countess Wear Roundabout is undesirable, it is situated in an existing urban area that is served by public transport and within walking and cycling distance of schools and shops and therefore, from a transport perspective, is a sustainable site.

National Policy is for the presumption of sustainable development and for developments to maximise the sustainable transport solutions in the area. This development proposes a number of enhancements to the local sustainable transport provision, its impact is not considered severe, safe and suitable access is provided and therefore it is felt that the development could not be refused on transport grounds.

Sport England objects to the proposal because it is not considered to accord with any of the exceptions in Sport England's playing fields policy and the NPPF guidance (paragraph 74). The application proposes a significant and substantial loss of playing field land and sporting facilities. The applicant has failed to provide any mitigation for the loss of this existing provision offsite. The proposed playing field land to be retained will be physically constrained and will only be capable of accommodating one football pitch. Sport England raise concern over proximity to the proposed housing and overuse issues. A single pitch site poses issues regarding long term viability.

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015. The playing field site is recognised as an important playing field in the City for its users given its pitch quality including natural drainage, size, shape and topography for numerous sporting and recreational activities including use as informal open space. The site is not vacant as stated on the application form. A local football club use the site (existing changing pavilion) and it is used for informal recreation. It is understood that the site in part is under a lease with Devon County Council. Sport England acknowledge that the College have now taken on a long term lease with the former Civil Service site in Exwick which is nearer to the main College buildings. That said, information regarding Sport England's likely response (objection) was shared with Exeter College in pre application discussions and replacement playing fields strongly encouraged.

Sport England has therefore considered the application in the light of its playing fields policy. Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or

land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.

Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy identifies five exceptions to our normal position of opposing development, which would result in the loss of playing fields. These exceptional circumstances are where, in the judgment of Sport England:

E1 - A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.

E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

E4 - The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.

E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

Playing fields have been given greater protection and recognition by the Government through the NPPF (paragraph 74): As such, and in order for the principle of the development to be considered acceptable, it must accord with Sport England's Playing Field Policy (above), and the National Planning Policy Framework.

This application involves the loss of substantial playing field land (over 3 ha) that is used for formal sport and informal recreation to housing. Once lost, lost forever to sport and recreation. We note that the applicant is proposing to retain one adult football pitch with new changing in the proposal. Concern should be raised regarding proximity to housing, over use of the site and long term viability of a single pitch site if permission is granted. Without an up to date Playing Pitch Strategy it is not clear what the existing supply/demand balance looks like now and what provision of playing pitches is needed for future users/growth in the population.

From the application, it is clear that the proposal amounts to retrospective enabling development for the College. For the avoidance of doubt, the NPPF does not support enabling development in this context. Enabling development is only mentioned in the NPPF where it is necessary to secure the conservation of heritage assets and that is clearly not the case here. The local authority should not give any weight to this in their planning decision.

Views of the FA have been sought and they advise that the site is currently used by Countess Wear Dynamo's with 3 teams listed as using the site as they have for many years – consisting of 1 adult team and 2 youth teams. Devon FA are currently experiencing a number of teams stating that they required additional pitch demands in the Exeter area. With no Playing Pitch Strategy in place to show that the pitches are surplus to requirements then the FA would wish to see replacement pitches provided.

The ECB advise that whilst there is currently no cricket usage on the site, the number of cricket grounds in Exeter is limited especially for its size. There are about 4 clubs that operate within the city boundaries. There is a need for enhanced cricket provision within Exeter but without an up to date playing pitch strategy it is difficult to determine if this site could potentially meet some unmet demand in the city. Although this development does not directly impact on cricket, playing field land is limited within Exeter so losing this site would be detrimental to sport in the city.

The RFU advise that they wish to object to this proposal. Without a robust and current Playing Pitch Strategy, it is unknown if this playing field and associated formal sports pitches are surplus to demand.

Sport England's Playing Field Policy:-

The site is recognised by the sporting community as a large playing field that needs protecting from development. As stated above, the application results in the substantial and significant loss of playing field land (3ha).

The proposed housing development is neither ancillary to the function of the playing field, nor on land incapable of forming a pitch or part of a pitch. As such, exceptions E2 and E3 of Sport England's Policy do not apply in this case.

Sport England is unable to consider the application against exception E4, despite pre application advice, no offsite alternative/replacement playing field land has been proposed by the applicant. Exception E4 therefore does not apply.

Similarly, the development is for housing and not for any sporting facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields. Exception E5 is therefore not applicable.

In terms of assessing the proposed development against exception E1, there is no Exeter Playing Pitch Strategy currently in place. Overall and in light of the National Governing Bodies (ie FA, ECB & RFU) comments, it is not justified that there is an oversupply of playing field provision which would justify the loss of playing field land as proposed. The development therefore fails to meet exception E1.

The proposed development fails to meet any of the exceptions to Sport England policy. The principle of the housing development is therefore considered unacceptable to Sport England policy terms.

National Planning Policy Framework:-

It should be noted that the strength of paragraph 74 of the NPPF has been tested at appeal. In an appeal (ref APP/U4610/A/12/2176169) the Planning Inspector considered what constitutes a playing field and whether there would be a requirement to replace this playing field under the provisions of paragraph 74. In that case, it was held that:

...there is no physical feature that makes the site inherently unsuitable for use for outdoor sport...

There is no distinction between privately and publicly available sports provision in the National Planning Policy Framework. In paragraph 74, it is specified that existing open space, sports and recreational buildings and land, including playing fields should not be built upon unless various criteria are complied with. This is sufficiently broad to cover the last use of the relevant part of the application site.'

On the basis of the above, the PINS held that, in accordance with Local Plan Policy and National Planning Policy Framework, compensatory replacement provision is necessary and should be provided as part of the scheme.

It therefore falls that compensatory replacement provision should be provided as part of the current planning application in order to meet the requirements of the NPPF. It should also be noted that, preventing sports use of the site in the future, will not prevent it from being considered under the provisions of paragraph 74 of the NPPF, as the lawful use of the site shall remain as a playing field land until such time as permission is formally granted for some alternative use.

Housing Development Officer comments that 35% of the total dwelling must be affordable in line with the Affordable Housing SPD, which for a 101 dwellings would be 35 with a financial contribution needed for the remaining 0.35. In accordance with the Affordable Housing SPD at least 70% of the affordable units are required to be social rent (25 units) the remainder to be intermediate affordable housing (10 units); the scheme to achieve a representative mix of market dwelling types and sizes (including number of bedrooms); 5% (2 units) of the affordable housing to be wheelchair accessible in accordance with the Council's Wheelchair Housing Design Standards and affordable housing to be spread out across the site in clusters of no more than 10 units.

The Environment Agency comment that as the development is in Flood Zone 1 they are no longer the consultee for surface management issues and defer advice to the County Flood Risk Team.

County Flood Risk Management Team comment that although soakaways have been proposed for the site it is not clear whether these will be acceptable without further ground investigation works for permeability or ground water levels (initial results are shown to be favourable but further design is required). Above ground SuDS should be explored within the site, space surrounding the football pitch providing an opportunity for additional SuDS features to be included within the surface water strategy.

Alternative sustainable drainage systems should also be considered if the ground is found to be unsuitable for soakaways. Attenuation systems should be designed in accordance with local and national standards. Therefore it would be sensible that an assessment of attenuation features be undertaken in order for space to be allocated within the current masterplan. This only needs to be outline at this stage with further detail following within the detailed design stage.

The provision and approval of a detailed drainage design should be considered as a condition in any grant of planning permission.

South West Water raises no objection. The comment is made that it is their policy not to support new development should the proposed housing be located any closer to the public sewerage treatment works than the existing properties and as the submitted illustrative layout indicates this to be the case, no objection can be raised.

Wales and West Utilities comment that they have pipes in the area and therefore the developer is requested to contact them to discuss requirements or potential diversion works prior to commencement of development. Should diversion works be required these will be fully chargeable.

The Growth Point Green Infrastructure Project Manager comments on the need for a share use cycleway along the southern boundary of the site, adjoining the river, and linking into Glasshouse Lane at the western end and Newport Road to the east. The lighting of the cycleway will need to be done sensitively but this will be for reserved matters consideration. This would allow sustainable travel into the city centre via the existing cycle route as well as safe links to schools at St Loyes and Topsham. In addition it is commented that the river

frontage will have to be designed sensitively. The ecological survey report is quite limited and does not include a survey of bats which will almost certainly use the river corridor for feeding.

Environmental Health Officer comments that this development will generate traffic that will pass through the Air Quality Management Area and as such an Air Quality Management Assessment will be required. The site is 100 metres from the Countess Wear sewage treatment works. The proposed houses will be as close to the works, or close to it than the existing closest dwellings (depending on the development layout). This will introduce a significant number of new receptors close to a facility that has the potential to cause odour nuisance. No statutory odour nuisance has been witnessed to date, but complaints about the works are received on a regular basis both by the Council's Environmental Health dept and SWW and as such odour from the sewage works is likely to affect the occupants of this site. In order to understand the likely frequency and extent of the impact on future occupant, the applicant should be asked to conduct an Odour Impact Assessment. *(Request for Odour Impact Assessment and Air Quality Impact Assessment made but considered unnecessary by the agents, particularly given the comments of SWW in respect of odour - 14 Sept 2015).* If planning permission is granted conditions are requested in respect of construction hours, the submission of a Construction and Environmental Management Plan (CEMP), a contamination report and noise impact assessment for the playing pitch and use of the changing rooms.

The Heritage Officer comments that the desk top study and geophysical survey have not identified any known or substantial remains within the site, although prehistoric flints have been found on the site and in the vicinity. As many prehistoric remains can be too slight in character to be easily identifiable by geophysical survey alone, it remains possible that such remains may still be present on this site. If they do survive then they are likely to be relatively slight in character and already truncated by past ploughing and, although potentially of medium significance, their presence would not represent a meaningful constraint upon the principle or form of development proposed on this site, though they should be properly identified and recorded through archaeological works as a condition of the consent.

County Education Officer comments that due to the number of families and children anticipated to move in as a result of this development further pressure will be placed on local schools, where there is limited capacity to accommodate them and therefore additional funding will be required. The County Education Officer anticipates that these contributions will be provided through the Community Infrastructure Levy.

Living Options Devon comment that it is noted that this application is for outline permission, it is hoped that when/if any full application is submitted full consideration will be given to the needs of all residents/users. In this application mention is made to pedestrian and cycle paths - access for mobility scooters needs to be included from the start of the project; easy access to all the community facilities needs to be considered and from the start of the project it is hoped that serious consideration will be given by the developers to making sure access to the surrounding areas (pavements etc) does not become a hazard for elderly people and people with visual impairments whilst building work is taking place.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework (NPPF):-

4. Promoting sustainable transport
5. Supporting high quality communication infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment

Paragraph 14 - At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking...For decision taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

Paragraph 49 - 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.

Paragraph 74 - Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

Exeter Local Development Framework Core Strategy:-

- CP1 – Providing for Growth - Spatial Strategy
- CP3 – Housing Distribution
- CP4 – Housing Density
- CP5 – Meeting Housing Needs
- CP7 – Affordable Housing
- CP9 – Strategic Transport Measures
- CP10 - Meeting Community Needs
- CP11 – Pollution
- CP12 – Flood Risk
- CP14 – Renewable and Low Carbon Energy in New Development
- CP15 – Sustainable Construction
- CP16 – Green Infrastructure
- CP17 – Sustainable Design
- CP18 – Infrastructure

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
- H6 - Affordable Housing
- H7 – Housing for Disabled People
- L3 - Protection of Open Space

Development of Open Space will only be permitted if:

- a) the loss of open space would not harm the character of the area; and*
- b) the open space does not fulfil a valuable recreational, community, ecological or amenity role; and*
- c) there is adequate open space in the area; or*

d) the loss of open space is outweighed by its replacement in the area by open space of at least equivalent recreational, community ecological or amenity value (including, in particular, the provision and enhancement of equipped play space).

L4 - Provision of Playing Fields

L5 - Loss of Playing Pitches

Development that would result in the loss of a playing field will not be permitted if it would harm recreation opportunities in the area.

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

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

Development Delivery Development Plan Document (Publication Version):-

This document represents a material consideration but has not been adopted and does not form part of the Development Plan.

DD1 - Sustainable Development

DD8 - Housing on Unallocated Sites

DD9 - Accessibility, Adoptable and Wheelchair User Dwellings

DD13 - Residential Amenity

DD20 - Sustainable Movement

DD21 - Parking

DD22 - Open Space

DD25 - Design Principles

DD26 - Designing Out Crime

DD28 - Heritage Assets

DD30 - Green Infrastructure

DD31 - Biodiversity

DD33 - Flood Risk

DD34 - Pollution

Exeter City Council Supplementary Planning Documents:-

Residential Guide

Planning Obligations

Affordable Housing

Sustainable Transport

Archaeology and Development

Other Relevant Planning Documents:-

Housing Land Review

SHLAA 2015

OBSERVATIONS

Introduction

The application site is identified in the Exeter Local Plan as Open Space. Consequently the site is covered by Local Plan Policy L3 which relates to the impact of development on open space and given its use as a playing field, Policy L5 which refers to their loss as a result of development. The proposed scheme seeks to redevelop the site, in part, for residential use with the remainder of the site containing a full sized football pitch and associated changing rooms/designated parking areas. The proposed relocated football pitch is wholly acceptable representing a continuation of the existing use on the site. The proposed housing represents a potential conflict with the local plan policies which seek to protect and enhance playing pitch provision in the city and therefore an assessment against the relevant criteria contained within these policies is needed. Initially however it is necessary to consider the proposed residential use against relevant national and development plan policies, particularly in light of the recent appeal decision at Exeter Road, Topsham.

Implications of Appeal decision regarding Exeter Road Topsham

Before considering the merits of this application it is important to understand the implications of the recently allowed appeal decision at Exeter Road, Topsham. The principal finding of this Inspector's decision letter was to conclude that the Council could not demonstrate that it has a five year supply of deliverable housing sites. This conclusion is important as NPPF paragraph 49 states that the relevant policies for the supply of housing should not be considered up to date, if the local planning authority cannot demonstrate a five year housing supply. In practice this appeal decision, which is consistent with the appeal allowed at Home Farm, Pinhoe affects how the Council deals with applications for major housing developments. However before highlighting these changes, it is important to remember that this appeal decision does not override planning law which requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise, as stated in NPPF paragraph 11.

The impact of the lack of a 5 year housing supply changes the emphasis of NPPF paragraph 14 as a material planning consideration. Paragraph 14 states that where policies are out of date (due to the lack of a five year housing land supply) planning permission should be granted unless '*...any consequent adverse impact of doing so would significantly and demonstrably outweigh the benefit, when assessed against policies in the Framework taken as a whole, or specific policies in the Framework indicates that the development should be restricted*'. Whilst the lack of a 5 year housing supply effectively labels the Council's development plan housing supply policies 'out of date', they are not irrelevant to the determination of the planning application and it is still for the local planning authority to determine what weight is attached. The wording of NPPF paragraph 14 is however important as it requires, in this instance, a residential schemes to have a significantly and demonstrable adverse impact for it to be refused. In effect, the evidence of adverse harm needs to be greater than has been previously required to outweigh the positive benefit of additional homes being provided to meet the identified deficiency in housing numbers in the city.

Consequently in practice it will be more difficult to refuse housing schemes unless clear evidence can be provided by the local planning authority that the development would cause a significant and demonstrable adverse impact. It is important to acknowledge that the existence of a development plan policy, in this instance, Local Plan policies L5 which aims to protect the provision of playing pitches cannot be wholly relied on to resist development on this site, since these policies are relevant policies for the supply of housing and can no longer be considered up to date. However a balanced approach is still needed when assessing planning applications which considers the development plan polices and relevant other material considerations. The remainder of the report will seek to consider these matters.

Sustainable Location

It is accepted that the site is located within a sustainable location. It is close to good transport routes, local schools and amenities, which have the potential to be enhanced through the combination of planning conditions, Section 106 agreement requirements or improvements arising from CIL receipts, if this application was to be approved. The site can therefore be regarded as a sustainable urban extension. The application proposes a similar number of dwellings to the Exeter Road application (up to 101 units at Wear Barton Road and 107 units at the Topsham appeal). The Inquiry inspector commented that the number of units proposed for the Exeter Road '*... would be of very considerable important in delivering housing in the context of the serious housing shortfall...*' Accordingly given the similarity in terms of number of homes proposed for the Wear Barton Road site the development is considered significant to address the identified housing supply deficit. The applicant's planning statement also states that the scheme would include 35% provision of affordable housing. Accordingly this represents a material planning consideration within the overall assessment of this application.

Exeter College's Playing Pitch Proposal Countess Wear/Exwick/Flowerpot

The application will involve the reduction in the playing field area by approximately 66% to accommodate the proposed housing development. The submitted plans indicated that currently two full size pitches can be achieved on the site, although the plans also indicate that this still leaves a significant area for informal recreational and aerial photographs taken in 2006 indicate three sports pitches and a junior pitch were accommodated on the site at that time. The development of the site for housing development will prevent the site from being capable of use for two playing pitches. The applicants have recently received a committee resolution to approve a 3G artificial pitch at the Exwick Sports Hub (15/0870/03) which is important, in the applicant's view, in demonstrating the overall provision of playing pitches, both in terms of number and quality which is being proposed. In summary, the applicants are proposing the retention of one football pitch at Wear Barton Road; the replacement of the 'lost' Wear Barton Road pitch at Flowerpots Playing Field site (adjacent to the existing frisbee area); the creation of a new artificial pitch at Exwick Sports Hub and a proposed replacement cricket pitch, 'lost' to the new artificial pitch, within Flowerpots Playing Fields. In addition, Exeter College are seeking to undertake the management of the Flowerpot Playing Fields from the Council under a separate land lease. This background information is important to note as it underpins the applicant's supporting case when assessed against the relevant national and local development plan policies.

Playing Pitch Policy Guidance

The policy context for the assessment of playing pitches is contained within NPPF paragraph 74, Local Plan Policy L5 and Sport England's Playing Field Policy. The Council's overall objectives in respect of playing fields is contained with the Local Plan playing field section which aims to protect existing playing fields; encourage greater community access to playing fields currently under private or educational ownership; encourage improvements to the overall quality of playing fields and secure new playing fields and ancillary facilities or enhancements to playing fields, including provision for maintenance, as part of new development so that existing deficiencies are not exacerbated. It is however the relevant development plan policies and Sport England's guidance against which the assessment of playing pitches is made. The NPPF, Local Plan and Sport England make reference to the need for an assessment of the supply and demand for playing pitches both in terms of quantity and quality. The Council has undertaken to address this issue through the preparation of a Playing Pitch Strategy. This work is currently ongoing and it is anticipated that the draft conclusions will be available by September. This Strategy will provide the necessary evidence base when considering a proposal which would result in the loss of playing pitch provision. Consequently it is considered that any decision taken regarding the loss of playing pitch provision would be premature until it is established whether there is oversupply or lack of demand for playing pitches. The applicant have disputed this approach and argued that a decision on this application can be taken irrespective of the Strategy, based on the overall provision of playing pitches which are being proposed. It is therefore necessary to explain the applicant's reasoning in this regard.

The applicants draws attention to the NPPF paragraph 74 arguing that the three criteria which allow exceptions to the loss of playing fields should be considered in individual terms rather than cumulatively. The applicant is therefore relying on the second criteria to support their case. This states that '*..playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location...*' The applicants are stating that the combination of the retained pitch coupled with the new provision of a new pitch at Flowerpot results in no loss of playing pitches in terms of overall number and therefore the quantitative element of the NPPF paragraph 74(ii) is satisfied, although as previously stated the site has the potential for three sports playing pitches. Similarly the applicants have stated that the primary purpose of the Wear Barton Road application is to generate land receipts to fund a replacement pitch not only on the site and the new pitch at Flowerpot but also for a new 3G artificial playing pitch at Exwick Sports Hub and the associated replacement cricket pitch. The applicants have stated that these facilities will represent an improved playing pitch provision city wide and in particular the high quality artificial pitch will create a facility which is currently under provided for in the city. Consequently the applicant is stating that this satisfies the quality element of paragraph 74 of the NPPF.

However paragraph 74 also requires the replacement pitches to be in a '*suitable location*'. The application will result in the loss of at least one playing pitch at Countess Wear. Whilst it is possible for teams within Countess Wear to use facilities located at Flowerpots or Exwick these facilities are between 3.5 miles and 4 miles away and therefore it is difficult to argue that this is convenient or until the findings of the Playing Pitch Strategy are known, a '*suitable location*'. The applicants have suggested that an arrangement can be made with the current team playing at Wear Barton Road (Countess Wear Dynamos) to use the new pitch at Flowerpot until the new Wear Barton Road pitch becomes available. The applicants consider that since a temporary solution can be achieved, limited planning weight should be attached to this issue. Whilst the arrangement for the current team may be acceptable, it does not address the potential future demand for playing pitch in the Countess Wear area, particularly for youth provision, which the Playing Pitch Strategy will ultimately seek to establish. In addition, Sport England have also stated that the development fails to meet Exception E1 of their Playing Field Policy which supports the need for a Playing Pitch Strategy and therefore raise objection to the application.

Land Ownership

The applicants have stated that the current playing field is not public land but privately owned. However this is not relevant to the planning assessment of the application. Although the NPPF makes no distinction between public and private land, the Local Plan makes it clear that it seeks to '*...encourage greater community access to playing fields currently under private or education ownerships...*' It is acknowledged that the College have planning permission to fence off the site and could terminate the current arrangement with the Countess Wear Dynamos to use the facilities, resulting in no sport being played on the site. Whilst this would be unfortunate the management arrangements for this site are beyond the control of the Council and therefore do not represent a material planning consideration. The lawful use of the land would still remain as a playing fields, as there is no alternative planning use of the site.

Role of Sport England

The applicant has submitted a legal opinion as to whether an approval of the application would result in a potential call in by the Secretary of State given the Sport England's objection to the loss of playing pitches and being contrary to their Sport Field Policy and NPPF paragraph 74. The opinion is that this is unlikely given the localised nature of the scheme and their interpretation of the relevant polices. However the important point to note is the role of Sport England within the determination of this application. The Development Management Procedure 2015 requires consultation with Sport England if it '*...is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field..*'. This is

not disputed. Consequently if the local authority is minded to approve the application it is required to be referred to the Secretary of State under the Consultation Directive 2009 paragraph 7 given their objection. Notwithstanding the applicant's legal interpretation it is considered that the Sport England's objection carries significant weight as indicated in both the Development Management Procedure and Consultation Directive and in the absence of the Playing Pitch Strategy should not be overridden.

Highway Issues

The County's Highway Officer has stated that although the additional traffic from an unallocated site through Countess Wear Roundabout is undesirable, it is situated in an existing urban area that is served by public transport and within walking and cycling distance of schools and shops and therefore, from a transport perspective, is a sustainable site. The Highway Officer comments that the development proposes a number of enhancements to the local sustainable transport provision, its impact is not considered severe, safe and suitable access is provided and therefore the development could not be refused on transport grounds. Consequently subject to appropriate conditions regarding improvement towards the junction on Topsham Road and a dedicated pedestrian/cycle access through the site and financial contributions in respect of Traffic Regulation Orders, the recommendation is no objection.

Affordable Housing

The Council's Housing Development Officer has assessed the proposal and subject to the provision of 35% affordable housing secured through an appropriate legal agreement this application is considered appropriate.

Summary

In conclusion, the recent appeal decision at Exeter Road, Topsham has provided a clear statement that the City Council does not have a 5 year housing supply. Consequently the NPPF states that the development plan policies in respect of housing supply are not up to date and the weight they can be afforded is reduced. However the NPPF still '*...requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise*' (paragraph 11). This statement is expanded on in paragraph 14 stating that in respect of out of date policies applications should be granted unless the adverse impact of the development (ie the loss of playing fields) would significantly and demonstrably outweigh the benefits (ie the replacement pitch and provision of new housing). Consequently a balanced assessment is still required between the provision of additional housing and improved/replacement pitches within the City against the loss of playing fields at Countess Wear. The emerging Playing Pitch Strategy will provide the necessary evidence against which this judgement can be made. Without this document it is not possible to be definitive as to whether there is or is not a need for playing pitch provision in the Countess Wear area. As the Local Plan states in respect of playing fields '*once developed they are likely to be lost forever*'.

Members should be aware that the applicant has submitted an appeal to the Planning Inspectorate against non-determination given the local authority's failure to determine the application within the target 13 weeks. It was initially considered that an extension of time could be agreed to prevent the appeal but the applicant was unwilling to wait until the Playing Pitch Strategy had been produced. Without the Playing Pitch Strategy it is considered insufficient information is available to assess the balance of issues as required by the NPPF paragraph 74 and the relevant Sport England's policies and therefore it is necessary to recommend refusal on the potential reduction in the supply of playing pitches in the area. Given that an appeal has been lodged, the local authority is prevented from making the decision and Members are therefore required to indicate what decision would have been made if they had been free to determine the application.

Members are advised that a new identical application (planning ref: 16/0849/01) has recently been submitted for this site. The purpose of this resubmitted application enables the

applicant to receive a decision from the local authority if the material planning circumstances change before the public inquiry, currently anticipated to take place in December 2016. Consequently if conclusions of the Playing Pitch Strategy are known before this date, this identical application can be reported to Planning Committee for determination.

RECOMMENDATION

REFUSE for the following reasons:

- 1) The proposal is contrary to the National Planning Policy Framework 2012, Exeter City Council Core Strategy 2012 CP10, Exeter Local Plan First Review 1995-2011 Policy L5 and Sport England's Playing Field Policy because it would result in the loss of a playing pitch site identified for retention.

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