

ITEM NO.**COMMITTEE DATE:**

24/07/2017

APPLICATION NO:

17/0006/03

FULL PLANNING PERMISSION

APPLICANT:

Mr Lovell

Heritage Developments (SW) Ltd

PROPOSAL:Construction of 82 dwellings, access, estate roads,
landscaping and associated infrastructure**LOCATION:**Exeter Golf and Country Club Practice Ground, Land to the
South, Newcourt Drive, EXETER**REGISTRATION DATE:**

21/12/2016

EXPIRY DATE:

22/03/2017

UPDATE (the original Committee report follows this update section)

This application was deferred from Planning Committee on the 26 June 2017 for further consideration of the potential impact of the development on Old Rydon Lane, exploration of potential for alternative access arrangements and clarification of the ransom situation in relation to the development being served by access from Admiral Way.

Notwithstanding the deferral it has to be reiterated that DCC as the Highway Authority, and statutory consultee on transportation matters in relation to this application, have formally confirmed that they have no objection to the proposal on transportation grounds based on the provision of highway access to serve the development via two access points leading off Old Rydon Lane. This remains the formal position of the Highway Authority.

Nonetheless in response to both public representations, and Member concerns raised at the last Committee, officers from both DCC and ECC have been in further discussions with the developer regarding access arrangements, and any potential for further improvements to the proposed access arrangements from a general transportation perspective.

The developer (in collaboration with the Golf Club) has produced their own 'Briefing Note for Members' to respond to the reasons for deferral, and clarify matters. This has been reproduced as Appendix A to this report, together with a letter from Persimmon relating to ownership issues as Appendix B.

Alternative Access provision via Admiral Way

Essentially, without the approval of alternative means of access to serve the development without reliance on Admiral Way, the ransom value of the strip of land adjoining Admiral Way is significant (see developer's briefing note advising this as 40% of the site value) and would in all likelihood render the current development unviable.

More fundamentally, without the provision of a replacement driving range/practice ground the Golf Club will not release the current practice ground for development. The opportunity to provide the approved replacement driving range/practice ground is time limited and only available to the developer of the current proposal for redevelopment of the existing practice ground. The terms of the land acquisition for the replacement site require implementation of the approved consent before the consented permission lapses (i.e. by 12/04/2019) and does not provide for any renewal/extension.

Consequently, even if any other developer were able to agree terms to deliver access via Admiral Way, without the commitment and ability to deliver a replacement driving range/practice ground in

an acceptable location, and to a standard and cost acceptable to the Golf Club, the current site would not be released for development.

It is also important to note that the existence of a ransom strip is not a planning matter that should directly influence determination of this application, and that the Local Planning Authority has a duty to consider and determine the application before it on its own merits.

Improved Proposals/Impact on Old Rydon Lane

The Highway Authority have confirmed that given the scale of the development and anticipated traffic generation levels they are satisfied that the impact on Old Rydon Lane would not be so significant as to justify refusal on this proposal on transportation related grounds. Nonetheless following deferral of the application further negotiations have been held with the developer that have resulted in the following revisions to address concerns –

- Prohibiting left turn for vehicles emerging from Newcourt Drive on to Old Rydon Lane. This would mean all traffic associated with Holland Park served by Newcourt Drive, and vehicles associated with NHS use of Newcourt House, would be prevented from travelling back up Old Rydon Lane towards Rydon Lane/Countess Wear.
- Limiting access from the new development to Newcourt Drive to 'exit' only. This measure would prevent traffic associated with the existing dwellings on Newcourt Drive and the NHS use of Newcourt House trying to circumvent the prohibition mentioned above (on turning left out of Newcourt Drive to go up Old Rydon Lane) by going back through the new development and up onto Old Rydon lane that way.
- Both of these restrictions would essentially facilitate making the stretch of Old Rydon Lane between the junction of Holland Park phase 1 and Newcourt Drive one way only. This would link to the existing short one way stretch between Newcourt Drive and the link road.
- Provision of a dedicated cycle lane along the new one way section of Old Rydon Lane.
- Increased width of combined foot/cycle path from Old Rydon Lan through site to boundary with Admiral Way from 2.5m to 3m
- Incorporation of section of road and adopted highway verge right up to site boundary with Admiral Way to facilitate potential future vehicular connection.

Many of the representations have suggested that the proposals to access the development from Old Rydon Lane will compromise cycle safety on Old Rydon lane and the delivery of the strategic E9 cycle route from the city centre to Newcourt. However, it is considered that the measures outlined above, by making a larger stretch of Old Rydon Lane one way with a dedicated cycle lane, would actually improve conditions for cyclists along part of this road. The proposals would need to be the subject of a Safety Audit which is being undertaken by the developer.

The proposed E9 strategic cycle route also incorporates a section running from Old Rydon Lane down through the application site to Admiral Way. Without the application site coming forward for development it is doubtful whether this section of the route would be deliverable. Therefore it could be argued that the development, which incorporates a segregated combined pedestrian/cycle route alongside the access road, actually facilitates and brings forward an important element of this route. Furthermore, as outlined above the plans have been revised to increase the width of this combined cycle/footpath from 2.5 to 3 metres.

Representations

In addition to the representations reported to the last Committee three further representations have been received as follows -

One objection from a member of the public raising similar transportation related concerns to those summarised in the original report.

Two letters from Persimmon:

The first relates to the reason for deferral of the application from the last Committee for clarification of the access suitability and clarity regarding the ransom over access to Admiral Way. This letter acknowledges that the existence or otherwise of a 'ransom strip' is a civil landownership issue and not a material planning consideration. However it states that at no point have Persimmon been approached by either the applicant, representatives of Exeter Golf & Country Club or the County Council to determine whether they would be willing to allow a second point of access over their land. It suggests that comments at the last Committee suggested discussions had taken place, and that Persimmon were unwilling to allow access over their land, neither of which they contend is true. It suggests that in these circumstances before the application is determined a meeting should be convened between all parties to discuss the matter and provide a clear understanding for Members on which to base a decision.

The second letter is an objection raising the following matters:–

- Non-compliance with masterplan – low density with consequent under delivery of housing, and consequent impact on viability of local services and transport links, loss of green space for habitat links and impact on landscape and visual character of area by reducing separation between housing developments
- Lack of permeability – if access rights over third party land cannot be obtained then permeability suggested in layout cannot be achieved, nor can the green infrastructure network calling into question compliance with sustainability requirements set out in NPPF
- Adverse impact on setting of listed building (Newcourt House)
- Archaeological impact
- Affordable housing – does not meet 35% policy requirement, resultant under-provision associated with low density development
- Lack of consultation with DCC (Education) regarding suitability of this site for provision of a second school in Newcourt area

Conclusions

The Highway Authority are on record as having no objection to the original access proposals from Old Rydon Lane on transportation grounds. The further proposals outlined above are considered to represent a significant improvement upon the original arrangements and whilst not considered essential by the Highway Authority are welcomed as an appropriate response to Member concerns. The additional arrangements regarding access restrictions and cycle path provision on Old Rydon Lane would need to be secured via appropriate Traffic Regulation Orders, and at the developer's cost. This could be incorporated as an additional obligation in any S106 agreement. However, it should be noted that if the Traffic Regulation Orders to achieve these changes were to fail the development would still be implemented based on the original access arrangements via Old Rydon Lane that the Highway Authority are on record as considering acceptable.

Therefore the recommendation is one of approval subject to a S106 agreement covering the matters set out in the original report (plus a financial contribution relating to Traffic Regulation Orders and associated works, and a best endeavours clause on the developer to secure their implementation) and the conditions as set out in the original report.

HISTORY OF SITE

09/2081/03 -	Golf driving range, erection of single storey building, lighting and associated works.	PER	10/05/2010
07/0180/03 -	Provision of building in north east corner to provide covered golf driving range	PER	05/06/2007
05/1741/03 -	Alterations to ground to provide new golf hole	PER	12/01/2006

Other relevant off-site planning history

16/0081/03 -	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. Land to the rear of Five Acres Exeter Road Topsham	PER	12/04/2016
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DESCRIPTION OF SITE/PROPOSAL

The application site comprises a parcel of land extending to approx 4.39 hectares situated between Newcourt House (Grade II listed building) and Admiral Way (the spine road linking Topsham Road and Old Rydon Lane). The site extends up between the gardens of Newcourt House and the Golf Club to link into Holland Park. The site currently comprises the practice ground to Exeter Golf & Country Club and part of the main golf course.

Full planning permission is now sought for the redevelopment of the site to provide 82 dwellings with associated vehicular access, parking provision, public open space and surface water drainage pond within the golf course. The 82 dwellings comprise the following mix of house types 23 4bed, 35 3bed, 9 2bed and 15 2bed apartments. The site will be served by two vehicular access routes leading off Old Rydon Lane, one via the existing Newcourt Drive and the other via a new section of road leading from the proposed housing up alongside the eastern boundary of the Golf Club connecting into Holland Park and thereby onto Old Rydon Lane. The scheme incorporates provision of pedestrian/cycle links constructed up to the applicant's ownership boundary with Admiral Way to facilitate future connection at some point.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting information -

- Planning, Design and Access Statement
- Ecological Assessment
- Transport Statement
- Arboricultural Constraints Evaluation
- Archaeological Magnetometer Survey
- Flood Risk assessment and Drainage Strategy
- Drainage & SUDS Maintenance Plan
- Biodiversity Mitigation & Enhancement Plan

REPRESENTATIONS

The following representations have been received -

Objections 27 (raising the following issues)

- Loss of green space
- Too much development/population density in locality
- Contrary to Core Strategy policies CP17 & CP19
- Access through Holland Park Phase 1 should be pedestrian/cycle only
- Exacerbates traffic problems on Old Rydon Lane, conflict between vehicles and pedestrians/cyclists given lack of pavements and inadequate lighting
- Site should be served from vehicular access onto Admiral Way for better distribution of traffic
- Increased traffic onto Old Rydon Lane - unsuitable width to accommodate traffic
- Noise and air pollution in Holland Park Phase 1 arising from through traffic
- Drainage inadequate
- Lack of local facilities to serve residents - doctors, hospitals, schools etc.
- Access inappropriate
- One way restriction on Old Rydon Lane frequently ignored, this proposal will increase flouting of restriction with consequent safety impacts
- Lacks provision of adequate affordable housing
- Contrary to stated aspirations for Old Rydon Lane to become a pedestrian/cycle friendly route- Newcourt Masterplan
- Will exacerbate use of right hand turn from Rydon Lane into Old Rydon lane for people accessing site from Countess Wear direction with associated highway safety implications
- Contrary to aspiration to create Green Infrastructure Route from Admiral Way through site to Old Rydon Lane along eastern boundary of Golf Club
- Overdevelopment
- Vehicular access should be from Admiral Way - more suitable modern road with greater capacity
- Emergency Vehicles - difficulties of access
- Compromises delivery of strategic cycle route - E9
- Poor pedestrian/cycle permeability
- Lack of cycle storage for certain house types
- Already saturated highway network
- Impact of increased traffic on Countess Wear roundabout/local road network
- Low density contrary to masterplan and maximisation of housing delivery
- Site more suited to provision of a second primary school to serve Newcourt Area
- Safety of road users/pedestrians/cyclists in relation to stray golf balls from adjoining course
- Letters in support based on vested interests and not valid material planning considerations

Support 28 (raising the following points)

- Proposal will release funds that will help to secure future of Exeter Golf & Country Club as a sporting and leisure facility for the City and maintenance of the associated listed building
- Will facilitate provision of a replacement golf driving/practice range elsewhere
- Provides much need housing
- Layout developed with full consideration of location next to a Golf Course and associated safety issues relating to stray balls
- Limited window of opportunity in relation to relocation of driving range and hence release of this land for development

CONSULTATIONS

Devon and Somerset Fire and Rescue - "The comments from Devon and Somerset Fire and Rescue Service are as follows. These are written without prejudice to the requirement to satisfy Building Regulations.

- It appears that access and facilities for the fire and rescue service have not been met. Turning facilities should be provided in any dead-end access route that is more than 20m long. This can be by a hammerhead or turning circle.

The above matter is not one to which we can object to at the planning application stage but should be borne in mind as it will become relevant at the Building Regulations stage. We would recommend early involvement with both Building Control/Approved Inspector and this fire and rescue service."

Devon and Cornwall Police Architectural Liaison Officer - No response received.

Wales & West Utilities - Highlight presence of gas pipe in Old Rydon Lane and advise developer to contact them before commencing any works that might affect it.

County Head of Planning, Transportation and Environment (Highways) - raises no objection subject to the imposition of appropriate conditions. Detailed comments are set out below:-

"The submitted application is for 82 new dwellings at the land known as the Driving Range at Newcourt, Exeter. The applicant has liaised extensively with the Highway Authority to discuss various elements of the scheme prior to submitting an application. Pre-application advice was sought to agree the vehicular access points and pedestrian/cycle routes running through the site.

The site is located to the south of Newcourt House NHS Trust Services and the forms Phase 3 of the Holland Park development delivered by Heritage.

Vehicular Access and Trip Generation

Vehicular access to the site will be taken from Phase 1 of Holland Park and Newcourt Drive; both of which are accessed onto Old Rydon Lane.

The first access point is located in the western corner of the site and connects into the recently constructed Phase 1. The second point of access is located in the north east corner of the site linking into the southern end of Newcourt Drive. Both access roads that lead into Phase 3 feature traffic calming measures (sections of short one-way places together with passing points) - these are acceptable and are welcomed as they promote slow speeds and careful driving through the residential estate. In order to establish the trip generation and distribution for the proposed development, traffic surveys have been carried out at junctions Phase 1/Old Rydon Lane and Newcourt Drive/Old Rydon Lane - the results have been summarised in the submitted Transport Statement. These surveys are site specific and are considered to be robust.

The Transport Statement suggests that based on site specific observations (undertaken at Phase 1&2 accesses) that the proposed development will generate 36 two-way trips in the AM Peak and 34 two way trips in the PM Peak.

Old Rydon Lane is one way (eastbound only) from Newcourt Drive to Newcourt Way and therefore all arrivals to Phase 3 will come from Old Rydon Lane west. For the departures, the recorded surveys showed a distribution split of broadly 75% / 25% favouring Old Rydon Lane eastbound to Newcourt Way. The magnitude of these movements is small and therefore is not a concern to the Highway Authority.

Pedestrian/Cycling Access

Holland Park Phase 3 represents the opportunity to create a walking/cycling route connecting Old Rydon Lane to the Newcourt Spine Road. In particular, a link running adjacent to the Golf Club is identified in the ECC Core Strategy, Newcourt Masterplan and DCC cabinet approved Strategic Cycle Route map and therefore forms a strategic route for walking/cycling.

Part of the key route is delivered by Holland Park Phase 1 and can be seen on Drawing “EGCC-01-SITE PLAN Rev24.0”. This shows a 2.5 metre shared path adjacent to the golf course linking Old Rydon Lane to the North West boundary of Phase 3. This shared path is then continued through Phase 3 running adjacent to the lots 71 to 82, before joining onto the Spine Road. This link segregates walkers/cyclists from vehicles throughout the Holland Park development, delivering what is set out in adopted policies and should be secured by condition. The principle of providing a segregated footway/cycleway complements cycle infrastructure being provided across the city and adds to the series of higher quality routes radiating out from the city centre, connecting to orbital routes on the eastern edge of the City.

A secondary pedestrian and cycle link located north of lot 44 is also proposed, providing another access onto the Spine Road. The shared path runs from Lot 22 to 36 before joining the Spine Road and is to be 3.0 metres wide. This link provides route for those who wish to access the Newcourt train Station/Community centre. It also offers a link for those who wish to use the Stagecoach Service J Bus which can be caught outside the community centre (which provides a service from Digby to Pinhoe via the City Centre).

A shared path to the North East is provided, linking Phase 3 into Newcourt Drive (Phase 2) – details of this connection will need to be agreed with the Highway Authority by a suitable agreement.

The pedestrian/cycle links proposed ensures good pedestrian/cycling permeability is achieved. Surveys carried out showed low walking and cycling trip rates. However, given that good pedestrian/cycling infrastructure is to be provided, it is thought residents at all phases at Holland Park will be encouraged to walk and cycle, reducing car borne journeys. These philosophies are in line to those outlined in the NPPF.

Finally, it is essential that secure cycle parking is provided, in accordance with the standards set out in the Exeter City Council Sustainable Transport Supplementary Planning Document. The plans do not make it explicitly clear what cycle facilities are being proposed, given the location of the site, the relevant cycle parking standards should be met and this should be secured by condition.

Travel Planning

In accordance with paragraph 36 of the NPPF the development will be required to have a Travel Plan. Major developments in Exeter have been required to provide travel welcome packs, personalised travel planning, monitoring of the Travel Plan and a summary report of the work undertaken and impacts of this. The specific approach needs to be set out and agreed prior to commencement of any part of the development.

Summary

The submitted information indicates that adequate, onsite vehicular parking, highway layout and access can, in principle, be achieved. Nevertheless, the details of these arrangements still need to be submitted to and agreed by the Local Planning Authority. A condition of that effect is recommended as part of any permission.

DCC (Lead Local Flood Authority) - Comment as follows - "An acceptable permanent surface water strategy is presented within the submitted Flood Risk Assessment and Drainage Strategy Document (Ref: 16.342, Rev R01-A, dated 12/12/2016). We have no in-principle objections to the above planning application, from a surface water drainage perspective, at this stage."

Recommends a condition relating to a surface water drainage management system covering the construction period.

RSPB - Identify need for a Landscape and Biodiversity Management Plan.

Environmental Health Officer - Recommends conditions relating to CEMP and land contamination.

Assistant Director Housing and Contracts - Comments as follows - We have entered into early pre-app discussions with the developer on this site regarding the affordable housing. We had agreed to starter homes provision as announced under the Housing & Planning Act, however, it had been hoped that the regulations would have been produced by the time this planning application had been submitted. In the absence of the regulations, we have agreed the following:

24 units on site of which 16 (20%) is starter homes/shared equity comprising 9 x 2 bed flats & 7 x 2 bed houses. The other 8 units are for social rent (6 x 2 bed flats and 2 x 2 bed houses) to be sold to ECC for £1. There will also be a commuted sum of £88,002.60. 35% is 28.7 and the commuted sum is 0.7 @ 2 bed house.

We are receiving 4 less units on site that policy but that has been taken into account as part of the transfer price to ECC for the 8 units.

PLANNING POLICIES/POLICY 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
12. Conserving and enhancing the historic environment

Paragraph 11 - Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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.

Exeter Local Development Framework Core Strategy 2012

CP1 – Spatial approach
CP3 – Housing development
CP4 – Housing density
CP5 – Meeting housing needs
CP7 – Affordable housing
CP9 – Strategic transport measures to accommodate development
CP10 – Meeting Community Needs
CP11 – Pollution and air quality
CP12 – Flood risk
CP14 – Renewable and low carbon energy
CP15 – Sustainable design and construction
CP16 – Strategic green infrastructure
CP17 – Design and local distinctiveness
CP18 – Infrastructure requirements and developer contributions
CP19 - Strategic Allocations

Exeter Local Plan First Review 1995-2011 Saved Policies

AP1 – Design and location of development
AP2 – Sequential approach
H1 – Housing land search sequence
H2 – Housing location priorities
H3 – Housing sites
H6 – Affordable housing
H7 – Housing for disabled people
L3 - Open Space
L4 – Provision of playing pitches
L7 - Local Sporting Facilities
T1 – Hierarchy of modes of transport
T2 – Accessibility criteria
T3 – Encouraging use of sustainable modes of transport
T10 – Car parking standards
C2 – Listed buildings
C5 – Archaeology
LS1 – Landscape setting
EN2 – Contaminated land
EN3 – Air and water quality
EN4 – Flood risk
EN5 – Noise
DG1 – Objectives of urban design
DG2 – Energy conservation
DG4 – Residential layout and amenity
DG5 – Provision of open space and children’s play areas
DG6 – Vehicle circulation and car parking in residential developments
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

DD29 - Landscape Setting Areas

DD30 - Green Infrastructure

DD31 - Biodiversity

DD33 - Flood Risk

DD34 - Pollution

Exeter City Council Supplementary Planning Documents

Affordable Housing SPD 2013

Archaeology and Development SPG 2004

Planning Obligations SPD 2009

Public Open Space SPD 2005

Residential Design SPD 2010

Sustainable Transport SPD 2013

Trees and Development SPD 2009

OBSERVATIONS

Introduction

There are a number of detailed material planning considerations that need to be assessed in connection with this application. However, before examining each of those issues individually it is important to set the context in respect of the position in relation to the Council's 5 year housing land supply and implications for relevant development plan policies.

The Council's housing land supply situation, and hence weight to be attached to development plan policies, has been further considered in connection with a number of other applications for residential development and the current position is set out below.

Development Plan and NPPF Policy Context

Initially it is necessary to consider the proposed residential use against relevant national and development plan policies, particularly in light of the 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 relevant policies for the supply of housing should not be considered up to date.

Legal advice has further clarified how this planning application should be determined following confirmation that the Council's policies for the delivery of housing are deemed out of date as a result of the Council not having a 5 year housing supply. The legal view is that the application should be determined in accordance with the Development Plan unless material considerations

indicate otherwise and this will depend on assessing whether the proposal is in accordance with the Development Plan (as a whole) and if it is not, on the weight afforded to the relevant Development Plan policies under consideration both in themselves and relative to the other material considerations.

i) Assessment of relevant Local Plan Policies

Notwithstanding NPPF paragraph 49 in respect of out of date planning policies (which it is accepted is applicable here because of the 5 year shortfall), recent case law has maintained that the starting point for considering planning applications is still the Development Plan as recognised in paragraph 11 of the NPPF, which states that planning permission must be determined in accordance with the Development Plan unless material consideration indicate otherwise. This maintains that the local planning authority must still continue to weigh up all the relevant Development Plan policies irrespective of whether they are now deemed out of date. The fact that a policy is out of date does not mean it is dis-applied and nor does it mean that the policy must carry only limited weight. Weight is a matter for planning judgement depending on the facts of the case. For this application the most relevant policies are Core Strategy CP16 'Green Infrastructure' and Local Plan LS1 'Landscape Setting' and it is against these policies which the application is primarily assessed.

ii) Planning weight afforded to out of date Development Plan Policies

NPPF paragraph 49 renders the Council's policies in respect of housing delivery out of date and consequently the weight attached to relevant policies requires reassessment. Recent legal judgements have clarified that it is still for the decision maker (i.e. the local planning authority) to make the planning assessment as to how much weight each policy is given. However what the Courts have made clear is that the lack of a 5 year housing supply may influence how much weight these out of date development policies are given. This is dependent on the specific scheme and will include for example the extent of the Council's 5 year supply shortfall, what the Council is doing to address this issue and the particular purpose of the restrictive policy, in this instance Core Strategy Policy CP16 and Local Plan Policy LS1. The Council currently has an approximately 2 year 4 month supply of housing and the intention to address this matter will rely on co-operation with neighbouring authorities, although this is unlikely to occur in the short term. Given these circumstances it is considered that the restrictive policies would be afforded less weight given the limited progress made in respect of the housing shortfall. However, the protection of landscape setting remains a strong theme of the NPPF and the Development Plan policies themselves are generally consistent with the approach in the NPPF and would ordinarily carry due weight in line with paragraph 215 of the NPPF. In the circumstances, it is considered that the Development Plan policies should still carry moderate weight.

Background to this application coming forward

As representations have raised the issue it is worth briefly outlining why this land has come forward for development at this stage and why the development opportunity is limited. Essentially in order for this land to come forward for the development 2 things need to happen -

1. The Golf Club need to secure permission for a replacement driving range. This has now happened with the granting of consent of consent in April 2016 for a driving range on land to the rear of Broom Park Nurseries off Exeter Road Topsham (ref 16/0081/03).
2. The Golf Club need to secure the means to implement the above-mentioned consent. The securing of permission for residential development of the application site will, through private agreements between the Golf Club (as owners of the site) and the developer, secure the provision of the replacement facility and hence release of this land for development.

The reason this window of opportunity is limited relates to the fact that the consent for the replacement driving range is only valid until 12th April 2019 and that there is no guarantee that the replacement site will continue to be available indefinitely.

Highways/Transportation matters

As highlighted in the Highway Authority's consultation response the proposed development has evolved from extensive pre-application negotiations between officers and the applicant. The key transportation matters highlighted in the Highway Authority's consultation response relate to access and trip generation, pedestrian/cycling access and travel planning. Serving the proposed site by two points of access from Old Rydon Lane (one via Newcourt Drive, the other via Holland Park phase 1) provides alternative routes for traffic movements associated with the new housing and avoids potentially concentrating all traffic through one junction onto Old Rydon Lane. Whilst representations have queried the capacity of Old Rydon Lane to cope with the additional traffic and have advocated access being provided via Admiral Way, the Highway Authority have confirmed that given the low anticipated traffic levels associated with this scale of development and that both proposed access routes incorporate traffic calming measures, they are satisfied with the proposed means of access and the capacity of the road network to cope with the traffic movements likely to be generated. Therefore, the proposed means of access to the development and the potential impact on the surrounding highway network is considered acceptable.

In terms of pedestrian/cycling access the desirability of creating an entirely segregated route linking Old Rydon Lane and the Newcourt spine road, as identified in ECC's adopted Core Strategy and the Newcourt Master plan has been highlighted in the Highway Authority's consultation response. Two points of pedestrian/cycle access are provided to the Spine Road from the development and the internal road layout has been designed to incorporate traffic calming features and an off road pedestrian cycle route running alongside the internal road up between the golf course and Newcourt House and through Holland Park Phase 1 onto Old Rydon Lane. This entirely segregated route alongside the road in this location will involve eating slightly into the section of open space provided as part of Holland Park Phase 1 to provide a 2.5 metre wide tarmac shared pedestrian/cycle path and will provide a segregated cycle/pedestrian route as part of a strategic cycle/walking route in line with the relevant Core Strategy policy and aspirations of the Newcourt Master plan.

Designated cycle parking provision is provided to serve both apartment blocks whilst it is anticipated that cycle parking for the majority of the houses will be accommodated within the proposed garages. This approach is consistent with that adopted on earlier Holland Park phases. For the few properties that do not have garages (which have driveway parking) cycle parking would have to be accommodated within rear gardens if required. Given the small proportion of such properties this approach is considered acceptable in the context of the overall layout.

Affordable Housing/Viability

Extensive pre-application negotiations took place regarding the affordable housing provision to form part of this development. Agreement between officers (planning/housing) and the developer was reached on the following provision -

- 24 dwellings in total comprising 16 2bed units (9 flats & 7 houses) as either starter homes/shared equity units, and 8 2bed units (6 flats & 2 houses) for social rent to be sold to ECC for £1 each. In addition to this there would be a commuted sum of £88,002.60 to be paid to the Council for its use in the direct provision of further affordable housing.

Current policy requires 35% of units provided on a site to be affordable provision which in this case equates to 28.7 units. The negotiated provision of 24 units plus a commuted sum, as set out above, is numerically 4 units short of the policy requirement however this has been taken into account as part of the agreed transfer price for the 8 units to be sold directly to the Council for £1/each. The negotiated commuted sum accounts for the 0.7 of a unit.

The developer had subsequently questioned the financial viability of the scheme on the basis of the agreed offer due to changing economic circumstances. However, a full viability appraisal would have resulted in a significant delay to the determination of the application and a potential further worsening of the financial viability of the scheme. Consequently the developer has decided to proceed on the basis of the negotiated position.

Heritage Issues

Newcourt House is a Grade II listed building set within a landscaped setting, originally formal gardens surrounded by informal parkland. It is important that the impact of any proposed development on the current driving range site is assessed in terms of its impact upon the setting of this heritage asset. The setting of a listed building can be more extensive than merely the immediate current grounds and gardens of the building itself. Clearly any development that takes place on the currently undeveloped open land situated between Newcourt House and Admiral Way will interrupt medium/long range views of the building from surrounding areas. This will alter the character of the area around the listed building and inevitably have some impact on its wider setting. The main front of the house faces SE, across the present site and historically it was approached from two directions - from the SE via Newcourt Road and a formal tree lined avenue and from the north from Old Rydon Lane (the present access). Historically, the present site was always open, starting as informal parkland in the 19th century and used for arable (and then a golf range) in the 20th century, and there was no tree screen interrupting the view of the main front of the house. When approaching visitors would catch glimpses of the main house through the avenue trees, and then see it fully when the trees ended just short of the house. Although glimpses of the main house can still be seen, it is now obscured by a screen of trees that developed after WWII, when the main drive also went out of use. Therefore, whilst the principal designed view of the main house was gained by approaching from the tree lined avenue, opening out into an open area in front, the rest of the site was an informal parkland setting. The main formal landscaped setting/garden to Newcourt House lies to the south-west of the building and views of it to and from the main house are not affected by the development. In this context it is considered that the most important issue with regard to the impact on the setting of Newcourt House is the impact on views of it from the principal historic approach to it from the SE, particularly from the direction of the original drive, which still remains as a strip of undeveloped land along the northern edge of the proposed development. The main open space to serve the proposed residential development has been sited in the NE corner of the site to preserve a greater sense of openness in front of the listed building, in the same area as there was historically at the top of the drive; and the latter is still retained as an undeveloped strip of land which, at least in theory, could in the future be reinstated as an access route of some form. As such, the ability in the future to appreciate the principal historic view of the house from the SE, particularly if the modern tree screen is thinned or removed at some point and the original drive reinstated in some form, will not be lost. Therefore, the impact of the development on the setting of the listed building is considered to be acceptable. Lastly, whilst medium/longer range views of the building from distance will be interrupted by the proposed development in its immediate foreground, the listed building will still be visible in glimpses over and behind the development. As such, whilst there will undeniably be a change to the nature/character of the wider setting of Newcourt House it is not considered that this would have such an adverse impact that it would warrant refusal of the application.

Regarding buried remains, the geophysical survey provided with the application identifies that some, probably of prehistoric date, are present within the areas to be built on. Based on experience with nearby sites these are likely to be relatively insubstantial and would be removed during the course of development. Although the presence and condition of such remains would normally be confirmed through site investigation, the present use of the site precludes this. Therefore on balance it is considered unlikely that these remains - although potentially significant, would be of such quality of survival that they would merit preservation in situ and would potentially affect the layout of a development. However, just in case there are some remains that do merit preservation it is recommended that a condition be attached that requires prior approval where necessary of proposed formation levels and foundation design in any areas where this applies. Where this is not the case, the remains should be subject to archaeological investigation and recording, after the present use has ceased and before construction begins, to record them in lieu of their permanent removal, and this should be ensured by condition.

LS1/Open Space/Green Infrastructure/Ecological impact

The application site is identified in the Exeter Local Plan as Landscape Setting covered by policy LS1 of that plan. However, the subsequent Core Strategy provides for growth to the east and south west of the City and identifies three Strategic Allocations at Newcourt, Monkerton/Hill Barton and South of Alphington. The Newcourt Strategic Allocation (Policy CP19) includes the application site which has the effect of removing the LS1 designation from this site. In this context the principle of residential development of this land is considered acceptable.

The site is currently open space lying within the boundary of the Newcourt Strategic Allocation, albeit private open space that is not accessible to the general public. It is not identified in the Newcourt Area Framework section of the Green Infrastructure Strategy (GIS) as forming part of the city open spaces programme (although the GIS does identify a key habitat link and cycle/footpath in indicative form along the SW boundary. On the masterplan (indicative) contained within the Newcourt Master plan document November 2010 the application site is identified as a combination of residential development land and green space.

The layout has been developed in negotiation with officers to concentrate the main area of public open space serving the development in the NE corner of the site as a focal feature at the arrival point into the site from Newcourt Drive. This also has the benefit as highlighted above of preserving an element of the open setting to Newcourt House. The public open space will be fronted by houses providing natural surveillance and an attractive framing of the space. The other main area of public open space will sit alongside the new section of road and pedestrian/cycle way leading from the development up between the Golf Course and Newcourt House to Old Rydon Lane via Holland Park (Phase 1). This element of open space will, in conjunction with the golf course itself, form part of a green infrastructure/wildlife corridor which is considered consistent with development plan policy and the aspirations set out in the Newcourt Master plan. Two other smaller incidental areas of open space are included within the main body of the development, both of which are fronted by houses and will form attractive features contributing to the overall attractiveness of the development. The overall level of open space to be provided as part of the development and its distribution throughout the site is considered acceptable.

The Ecological Assessment submitted in support of the application concludes that due to the current use of the land with regular mowing the habitat value of the site is currently minimal and that there are no ecological reasons to prevent its development. However, it does identify the opportunity for ecological enhancement as part of the development through a Wildlife Management Plan/Biodiversity Mitigation Plan. This can be secured through an appropriate condition and ensure that the development makes a positive ecological contribution to the locality. The proposed surface water attenuation pond to be created within the golf course has the potential to add

ecological interest and bird/bat bricks will be incorporated on a proportion of dwellings comprised in the development (25 nesting bricks in total).

The proposal will indirectly facilitate the provision of a replacement practice/driving range for the Golf Club thereby ensuring that there is no net loss of leisure/recreation facility.

Design/layout/amenity standards

The layout proposed takes account of the proximity of the adjoining golf course and the setting of the listed Newcourt House together with the Highway Authority's desire for two points of access to the site. The development comprises a mix of 2, 3 and 4bed dwellings with provision for a decent level of front curtilage and roadside planting to create an attractive residential environment and incorporates the provision of an appropriate level of public open space, with the main area forming a focal point of the development that is overlooked by dwellings that front onto it.

All of the properties are provided with private gardens that in the majority of cases significantly exceed the minimum requirements set out in the Council's Residential Design SPD. The separation distances between individual properties are such that appropriate levels of privacy will be afforded to future residents of the development. The majority of the properties significantly exceed the relevant internal space standards sought by the Council.

The scheme has evolved through a proactive negotiation process between officers and the developer and is considered to represent an appropriate solution that takes account of relevant site constraints and will form an attractive environment for future residents.

The applicant has confirmed that the comments of the Fire & Rescue Service have been incorporated in the amended layout and that appropriate turning provision has now been made.

The proposed drainage strategy for the development comprises foul drainage to be discharged to the public sewer network with a sustainable urban drainage approach to the associated surface water. This will comprise discharging surface water to a new surface water attenuation feature to be constructed within the confines of the existing golf course. Not only will this allow for control of surface water discharge rates but it will also provide a further amenity feature to the golf course and enhanced ecological interest in the area. This surface water drainage strategy has been agreed with Devon County Council as the lead Local Flood Authority.

Financial Considerations

The proposal will be CIL liable at a rate of £102.14/m². Based on the number and mix of dwellings proposed this would equate to £1,231,788.90 in CIL contributions before the application of any relief associated with affordable housing. The developer would however be entitled to claim relief from CIL in respect of the affordable housing units meaning that the final sum payable in such circumstances would be £1,020,934.20

For ease of calculations based on an assumption of Council Tax Bands B and C for the flats and houses respectively the development would be estimated to yield £209,000 of New Homes Bonus payable to the City Council assuming the current rules regarding the period of payment, baseline and on abatements continue to prevail following completion of the scheme.

Section 106

A Section 106 agreement will be required in respect of the following:-

- affordable housing
- open space - provision of play equipment to an agreed scheme, public access and maintenance arrangements

Conclusions

It is considered that the proposed development represents a suitable solution to the development of the site taking into account the constraints and character of the surrounding area. Although all traffic associated with the development will have to utilise Old Rydon Lane it is considered that the use of two different points of vehicular access will help to spread traffic movements out and minimise any adverse impact on that road.

The development of this site will bring forward more much needed housing within the boundary of the Newcourt strategic allocation in line with the Council's adopted Core Strategy which, given the Council's position with regard to its 5 year housing supply, is an important material planning consideration. Overall the proposal is considered acceptable.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement covering the items referred to above **APPROVE** subject to the following conditions:

- 1) A01 - Time Limit - full
- 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 21st December 2016, 5th April, 24th May and 5th June 2017 (including dwg. nos. EGCC-10-LOC rev 2.0B, EGCC-01- SITE PLAN Rev 24.0B, EGCC-01-SITE Plan Rev 24.0 - CIL & Construction Phasing Plan, EGCC-02-SITE PLAN Rev 24 - proposed Hard Landscaping layout (1 of 3), EGCC-03-SITE PLAN Rev 24 - proposed Hard Landscaping layout (2 of 3), EGCC-04-SITE PLAN Rev 24 - proposed Hard Landscaping layout (3 of 3), EGCC.KNS.01, EGCC.RDB.01 Rev A, EGCC.RDB.02 Rev A, EGCC.13-21.01 Rev A, EGCC.HAR.01, EGCC.BMT.01 Rev A, EGCC.PET.01, EGCC.BRLY.01, EGCC.APP2.01,EGCC.APP3.01, EGCC.APP3.02, EGCC.HRLY.01, EGCC.ELS.01, EGCC.BRM.01 Rev A, EGCC.BLY.01 Rev A, EGCC.BLY.02, EGCC.OKM.01 Rev C, and EGCC-DG) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) **Pre-commencement condition:** Before commencement of phase of the development the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved for the dwellings contained within that phase. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.
Reason for pre-commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15. This information is required before development commences to ensure that a sustainable design is finalised before any irreversible element of the construction process takes place.
- 4) A38 - Archaeology

- 5) No development (other than archaeological investigation works) shall take place within the application site until the means of construction of foundations, and levels (including formation levels for the dwellings, roads and parking areas) 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) A23 - Contamination (no info submitted)
- 7) A13 - Tree protection
- 8) A16 - Construction (CEMP 2)
- 9) A18 - Construction (site layout)
- 10) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 11) A12 - Landscape and trees - replacement planting
- 12) No building hereby permitted shall be occupied until the off-site surface water attenuation feature indicated on drawing no. EGCC-01-SITE PLAN Rev 24.0B has been completed and brought into use to serve the development. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed Drainage & SuDS (Sustainable Drainage Systems) Maintenance Plan prepared by TWP Consulting Structural and Civil Engineers (Project Ref:16.342 Rev R02 dated November 2016).
Reason: To ensure the satisfactory drainage of the development.
- 13) The development hereby approved shall be implemented in accordance with the drainage strategy set out in the submitted Flood Risk and Drainage Strategy (Project Ref:16.342 Rev: R01-A) dated November 2016 and Construction Management Plan (Project Ref:16.342 Rev R01) dated May 2017 prepared by TWP Consulting Structural and Civil Engineers .
Reason: To ensure the satisfactory drainage of the development.
- 14) A19 - Travel Plan
- 15) No more than 50% of the development hereby approved shall be occupied until the footway/cycle path running adjacent to the Golf Club from Old Rydon Lane to the Newcourt Spine Road has been constructed up to the site boundary of the applicant's ownership in accordance with plans to be approved in writing by the

Local Planning Authority.

Reason: To facilitate provision of a safe and suitable access for pedestrians and cyclists in accordance with paragraphs 32 of the National Planning Policy Framework.

- 16) No more than 50% of the dwellings contained within Phase 4 of the development (as indicated on drawing nos. EGCC-01-SITE PLAN Rev 24.0) shall be occupied until the foot/cycle path running between plots 33-43 and plot 44 has been constructed up to the site boundary of the applicant's ownership with the Newcourt spine road.
Reason: To facilitate provision of a safe and suitable access for pedestrians and cyclists in accordance with paragraphs 32 of the National Planning Policy Framework.
- 17) The development hereby approved shall be implemented in accordance with the provisions and recommendations set out in the submitted Biodiversity Mitigation & Enhancement Plan dated march 2017 prepared by Sunflower International Ecological Consultancy, and include the provision of integral nesting boxes as specified in the email from David Lovell dated 31st May 2017.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 18) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and no development above damp-proof course level shall take place before their approval is obtained in writing. The materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: In the interests of character and appearance of the development and the visual amenity of the area.
- 19) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.
Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.

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