APPLICATION NO: 19/1047/FUL
APPLICANT: Exeter Royal Academy for Deaf Education
LOCATION: Land off St Leonards Road, Exeter
PROPOSAL: 7 No. new build dwellings, associated landscaping, amenity and vehicular access
REGISTRATION DATE: 13 August 2019

HISTORY OF SITE
A planning application (ref 17/1640/FUL) was approved at Planning Committee in June 2018 for the redevelopment of the Exeter Royal Academy for Deaf Education (ERADE) opposite the application site to provide 146 new dwellings; a care home and assisted living units; accommodation for pre-school; access related works; provision of landscaping and open space and other associated works.

ERADE are relocating from this site to an alternative one that will provide more suitable accommodation to meet their current needs. The replacement school will be funded in part through the proposed redevelopment of the site. Initially plans were to relocate within Exeter to a site on Ringswell Avenue but subsequently the decision has been taken to relocate to the former Rolle College campus in Exmouth and the relocation plans are underway with building works taking place on the new site.

DESCRIPTION OF SITE/PROPOSAL
The site (1.37ha) is located on the northern side of Topsham Road, backing onto properties to the west in Barnardo Road and fronting onto St Leonards Road. Mount Radford Lawn is an area of grassed open space, bordered by mature trees, stone walling and railings. It is located within the St Leonards Conservation Area and is identified as a positive space and an area of important treescape. It also forms part of the immediate setting of 1 – 4 St Leonards Place, Claremont Lodge and St Leonards Church, all Grade II listed buildings.

The application seeks to change the use of this existing playing field, owned by ERADE, for housing and public open space. As previously stated the Deaf Academy are relocating and the playing fields are surplus to their requirements. However it is noted that the area has historically been used by school, community and sporting groups, not affiliated with the Academy, for recreational activity for many years.

The application proposes a total of 7 detached dwellings sited along the south and western boundaries of the site. The proposed double fronted style dwellings are all two storey in height but substantial in their overall footprint. Each of the dwellings have generous open plan lounge, dining room, kitchen, family room and combination of conservatory, playroom, guest rooms and study on ground floor with four or five bedrooms with associated bathroom/ensuite above. One of the dwellings also includes a basement area for a lounge/bar, cinema area, gym and sauna. The architectural style is traditional incorporating various elements which are characteristic of the more substantial properties in the St Leonards area. The proposed material are white render with natural effect slate roof and painted timber windows.
Each dwelling has an integral garage and parking within their residential curtilage which totals 23 for the proposed 7 dwellings. A new vehicular access is proposed off St Leonards Road and 9 new public parking spaces are to be created to the northern part of the site fronting onto St Leonards Place.

Three new areas of public open space are proposed with the main one located in the north eastern part of the site and smaller areas indicated alongside the new access on the corner of Topsham Road and St Leonards Road and to the south west, accessed via a narrow pedestrian link provided between plots 3 and 4.

**SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The application is supported by a Planning Statement, Design and Access Statement, Heritage Statement, Transport Note, Ecological Appraisal, Arboricultural Method Statement, Tree Constraints Plan and Tree Protection Plan.

**REPRESENTATIONS**

225 letters/emails of objection received (including St Leonards Neighbourhood Association, Exeter Civic Society and Exeter Cycling Campaign). Principal issues raised:-

1. Location alone does not reduce the dependency on the private car;
2. Overdevelopment of the site;
3. Need to retain existing green spaces in the City;
4. Area important for air quality/increased pollutants from greater traffic generation;
5. Needs to be a place for the whole community to enjoy;
6. Detrimental impact to the character and appearance of the St Leonards Conservation area and nearby listed buildings;
7. Unacceptable increase in traffic near to school;
8. Green spaces important for mental health;
9. Space needed for city residents to be active;
10. Result in the loss of a valuable local resource;
11. Proposed open space inadequate to be used for sport pitches;
12. Area should be used for community centre and open space as proposed by the St Leonards Neighbourhood Association;
12. Support letters/emails from employees connected with the applicant represents a conflict of interests;
13. Potential for the previous use of the land for school/community playing fields will be lost;
14. Access to the land only inaccessible because Deaf Academy has refused permission not through lack of interest. The land is not ‘surplus to requirements’ as suggested by applicant;
15. Already a lack of open space in the area;
16. Green space identified as of primary importance in the St Leonards conservation area management plan;
17. Inadequate on-site parking provision;
18. Contrary to Sport England and ECC’s own planning pitch strategies;
19. Detrimental impact on neighbouring properties through loss of privacy/overlooking; loss of light and visual amenity;
20. Proposed dwellings out of keeping by reason of scale and proportion;
21. No need for large and unaffordable housing in the City/St Leonards;
22. Green spaces should be retained for the health and well-being of the local residents;
23. Pre-submission public consultation by applicant inadequate;
24. If houses are needed should be affordable and car free with secure cycle storage;
25. Loss of habitat/wildlife including bats, foxes, squirrels and hedgehogs;
26. Architectural approach contrary to the understanding and interpretation of its conservation area context;
27. Important setting for listed buildings/views of the church spire will be compromised;
28. Creation of traffic congestion problems for the surrounding roads;
29. Pedestrian safety risk given the increased traffic and its proximity to nearby school;
30. Public open space proposed totally inadequate;
31. Loss of parking spaces used in connection with the school;
32. Ecological report is inaccurate;
33. Area represents a positive feature within the area;
34. Problems of noise and disturbance during construction work to local residents and children at the local school;
35. Removal of pavement to provide parking will create hazard to pedestrians;
36. Negative impact on the environment contrary to the climate emergency agenda;
37. Area needs improved access for all the community;
38. Should continue to be available to local school use;
39. No guarantee that the public open space will remain in perpetuity;
40. Public open space not large enough to serve the community;
41. Development does not meet the exceptions as per the Sport England Playing Field Policy;
42. Change in parking arrangement adjacent to the highway will result an overall loss of resident parking spaces;
43. Monies generated by the sale of the land for the Deaf Academy’s benefit should not be at the expense of a loss of valuable green space;
44. Increased traffic along Topsham Road;
45. Maynard School and St Leonard’s Primary School have limited outside space and this area could contribute towards much needed open space provision;
46. Density is too low and greater number of smaller dwellings should be proposed;
47. Contrary to ECC’s ‘Liveable Exeter Garden City Vision’ and ‘Physical Activity Strategy Document 2019’

63 letters/emails of support. Principal issues raised
1. General support for the work of the Deaf Academy as national specialist in deaf education and care;
2. Necessary for additional funding of the Academy’s development at Exmouth for bespoke teaching, learning and residential spaces and modern resources;
3. Academy cannot gift Mount Radford Lawn as under charity law they are required to maximise the value of its assets;
4. Development will provide 50% open space within an area that is currently private and restricted;
5. Following public consultation a compromise has been made to provide more public open space;
6. More public open space will be made available for the St Leonards community;
7. Impact of 7 dwellings on Mount Radford Lawn will be minimal;
8. St Leonards already has enough local parks and green space;
9. NIMBY attitudes will deny the Academy the ability to increase much needed funds;
10. Good quality houses in keeping within the area;
11. Rejecting the proposal will put the Academy in jeopardy and the jobs of many local people;
12. Developer partner chosen due to their commitment to providing public space for the local community;
13. Provide much needed housing for the City.

CONSULTATIONS
The County Head of Planning Transportation and Environment comment that the application is in a sustainable location. There are high frequency buses running along Topsham Road and is within walking/cycling distance to the City Centre, key employments hubs (such as County Hall, Marsh Barton and the RD&E). Henceforth, the vehicular impact of the development cannot be deemed as severe.

Vehicular access to the site is proposed to be off a simple priority junction onto St Leonards Road with appropriate visibility splays. As part of the new access arrangement, it is necessary to remove seven of the on-street parking limited waiting spaces. Upon site visit, these limited waiting spaces are very well utilised during school pick up/drop off and by removing the spaces in the desired location is a concern. Parents are more than likely to still use St Leonards Road as a pick up/drop off and not use the reallocating spaces as proposed by the applicant; hence there is a concern that inappropriate parking on St Leonards Road will occur, potentially blocking St Leonards Road during busy times. Equally, there is a slight concern of increased interaction of new traffic at the new junction with school children crossing St Leonards Road. Henceforth, the access arrangements will need to be addressed to overcome their concerns. It is recommended that any access should consist of just a dropped kerb access rather than a new bellmouth junction. It is noted that there is an existing access point to the field on St Leonards Place.

To the northern boundary of the site on St. Leonard’s Place, there will be a loss of four spaces, which are currently Resident Permit Parking spaces resulting in a total loss of 11 spaces in total (7 on St Leonards Road plus 4 on St Leonards Place). To mitigate this, compensatory parking (on the northern boundary) will provide 9 spaces and by extending the parking bay on the opposite side of St Leonard’s Place and on St. Leonards Road resulting in additional 2 spaces, leading to no overall loss of parking. The 9 spaces located on St Leonards Place are parallel where no tracking diagrams have been submitted proving that vehicles can reverse out of the spaces safely (it is noted that the westerly parallel parking spaces are directly opposite a proposed extended parking bay and it is unknown if vehicles can enter and exit in an appropriate manner). In addition to this, it is unknown which spaces will be allocated to residents parking and which spaces will be allocated to limited waiting.

The amendments will need to formally carry out through an amendment of the existing Traffic Regulation Order (TRO). The cost of these will need to be met by the applicant and should be secured through an appropriate legal agreement. However, the LPA needs to consider that if the TRO fails, then alternative access arrangements will need to be explored.

Neither the proposed vehicular access point nor the relocation of the parking spaces have been through a Road Safety Audit.

Adjacent to the vehicle access is a 2m footway which runs into the site and eventually leads to a new access point to the north of the site on St Leonards Road. The footway provides access to the public open space and provides good permeability through the site.

It is proposed to remove the existing footbridge adjacent to the site over Topsham Road (this forms part of the application site on the other side of Topsham Road, Planning Ref: 17/1640/FUL). However, there is an existing controlled pedestrian crossing in close proximity that can be used as a convenient alternative to cross the road.

On Site Layout/Facilities - 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 internal layout is suitable for a low volume of houses and includes a turning head on site – tracking
diagrams have been provided proving that a refuse vehicle can enter and exit the site in forward gear.

The application form states that 23 vehicular spaces will be provided which does seem excessive for a development forming just 7 dwellings. Given its sustainable location, the applicant should be reducing the amount of parking on site however the excessive parking allocation cannot form a reason for refusal. The applicant is reminded that additional residents parking permits will not be given to serve this new development.

Current policy sets out a requirement for secure sheltered cycle parking to be provided for all residential new builds. The submitted plans do not explicitly show the type of cycle parking proposed. Given its location, it is recommended that the quantum of cycle parking exceeds the standards set out in the ECC Sustainable Transport SPD. It is therefore recommended that this provision is agreed prior to commencement and provided in accordance with the approved details.

Construction - In the interests of public safety (pedestrians and cyclist interacting around construction works) and the operation of a school nearby a condition for a Construction Traffic Management Plan is recommended and the applicant is advised to meet with the highway authority to agree a suitable means of progress prior to undertaking any works.

In conclusion, further information is required to satisfy the highway authority that all of the proposed elements are acceptable. In particular, further information on vehicular access to the site, compensating spaces access and TRO’s and cycle parking. In the absence of this information then the highway authority, at this time, would be minded to recommend refusal.

Sport England objects stating that It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years (as seen in the aerial images of the site), as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement. Sport England has considered the application in light of the National Planning Policy Framework (NPPF) (in particular Para. 97), and against its own playing fields policy, which states:

'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 which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

The site has a long history of use by teams from community sport (Central Youth FC and Heavitree Youth FC) and education institutions both public and private in the area.

The playing field loss proposed would and currently does impact the existing playing pitch and areas for the delivery of sport. The proposal is located on usable sporting playing field land. The proposal does not meet one of the five exceptions to Sport England’s Playing Fields Policy or with Paragraph 97 of the NPPF:
Consideration and weight should also be given to the Council's own Local Plan policies that seek to protect open space, sport and recreation including playing fields.

The Football Foundation, on behalf of The FA advise that to our knowledge, neither Sport England or National Governing Bodies have neither reviewed, agreed or signed off a Playing Pitch report - the information the Council published was not agreed by the steering group. Subsequently, there is no detail on what the financial contribution is, how it will be spent or how this will be managed.

The Football Foundation, on behalf of The FA objects as there is no assessment that demonstrates an excess of playing fields (Youth 11v11 grass football pitch) in the catchment area.

Conclusion - In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF.

The Council’s Environmental Health officer recommend that a construction and environmental management plan and a contaminated land condition is imposed.

Devon County Education officer comment that in order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. Exeter City have set out that they intend school facilities to be funded through CIL. It should be noted that this development will create the need for funding of new school places and it is anticipated that these will require funding equivalent to £14,198 for primary school facilities, equivalent to 1.04 children and £7,014 for secondary school facilities, equivalent to 0.32 children. This figure has been calculated in accordance with the county council’s education infrastructure plan and S106 approach and takes into account existing capacity in the surrounding schools.

City Council’s Heritage Officer raises objection stating that:-
1. It does not preserve the settings of the listed buildings of No. 1 St Leonards Place and of St Leonards Church, and indeed causes harm to them. As such it does not comply with the test under the 1990 Act nor with Local Plan policy C2.
2. It does not preserve, nor enhance, the character and appearance of the St Leonards Conservation Area, by virtue of covering more than half of what is a significant open space within the conservation area with buildings and hard surfacing. As such it does not comply with the test under the 1990 Act nor with Local Plan policy C1.
3. It provides not even the minimum of supporting information about what buried remains may be present and what will be the potential impact of the development.
4. The harm caused to the significance of the listed buildings and conservation area needs to be outweighed by a sufficient amount of public, not private, benefit to be acceptable in NPPF policy terms. Although public benefit is mentioned in the supporting statements, no analysis is provided of what the public benefit of providing 7 detached houses would be in this case, other than the addition of 7 units to the housing supply. In other cases, including those involving harm to heritage assets, inspectors have concluded that the avowed public benefit of adding to the housing supply has not been sufficient to outweigh the harm caused.
5. In terms of enhancement, there are other far less harmful ways of enhancing the space with planting and appropriate access other than substantially reducing its area and building over the rest.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework (February 2019)
2. Achieving sustainable design
3. Plan making
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities

Paragraph 97:-
Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
b) 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;
c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

**Exeter Local Development Framework Core Strategy (Adopted 21 February 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
CP13 – Decentralised Energy Networks
CP14 – Renewable and low carbon energy
CP15 – Sustainable design and construction
CP17 – Design and local distinctiveness
CP18 – Infrastructure requirements and developer contributions


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
T1 – Hierarchy of modes of transport
T2 – Accessibility criteria
L3 - Protection of Open Space
L5 - Loss of Playing Fields

*Development that would result in the loss of a playing field will not be permitted if it would harm recreation opportunity in the area*
12.8 Mount Radford Lawn, now used as a school playing field is the only remaining area of the landscaped parkland that surrounded the Mount Radford mansion. Apart from its historic interest, this green space with its mature boundary trees is one of the key open spaces within St Leonards, a very positive feature in the townscape. It, furthermore, provides an important setting for the four listed villas of St Leonards Place and a vantage point to view the spire of St Leonards Church to the southwest.

OBSERVATIONS
Mount Radford Lawn occupies a prominent site on the northern side of Topsham Road and understandably the proposal for housing development has generated considerable interest both in opposition and support. Members will be aware of the application submitted on the opposite side of the road which proposed to redevelop the ERADE site for housing. Planning permission was granted for 146 dwelling, care home and pre-school accommodation in June 2018 which provided funds for the Deaf Academy’s new facility in Exmouth. A significant number of support emails have been received which highlight the specialist work that the Deaf Academy carries out. The support correspondence received has emphasised the importance of the monies generated by the sale of land for use by the Academy in Exmouth. Whilst the reason for the sale is completely understood, planning practice dictates that the assessment is concerned with land use in the public interest and as such the protection of private interests such as the fund from the sale of the land, is not a material consideration. Consequently the application needs to be assessed against relevant material planning considerations which in this instance are the impact of the development on heritage assets, loss of playing fields/open space, highway/parking issues, design/layout and relationship with neighbouring properties. However prior to these consideration it is important to set the context of the development in relation to the Council’s 5 year housing supply and relevant development plan policies.

**Development Plan context**

The applicant’s Planning Statement has emphasised the Council’s lack of a 5 year housing supply to support their application for 7 new dwelling on this site. The applicant draws support from recent Inspector’s appeal comments that the Council’s Development Plan policies are out of date in relation to housing supply and therefore carry less weight when determining applications for housing development. The applicant refers to the National Planning Policy Framework (NPPF), which states in paragraph 11 that there is a presumption in favour of sustainable development.

It is not disputed that the site lies within a sustainable location close to the city centre and public transport route and that the Council cannot demonstrate a 5 year housing supply. However NPPF states that even for policies deemed out of date, the decision maker (in this instance the local planning authority) must still be concerned with whether the development’s impact on ‘areas or assets of particular importance’ (heritage assets are specifically recognised in the NPPF footnote to paragraph 11) or if the adverse impact of the development ‘would significantly and demonstrably outweigh the benefits’. NPPF paragraph 12 states that ‘the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making’. Further clarification regarding the role of the NPPF and Development Plan is made within NPPF paragraph 213 which states that “…existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The lack of a 5 year housing supply is a material consideration, which needs to be balanced against the development plan and whether these policies are consistent with the NPPF considered as a whole. In essence, the applicant is proposing 7 dwellings, in a sustainable location, to help meet the Council’s 5 year housing supply shortfall; a financial contribution towards affordable housing and playing field provision and creation of public open space on a current area of private land. Consequently this planning assessment needs to balance these considerations against relevant NPPF and development plan policies, particularly in respect of heritage assets and loss of playing fields/open space. This assessment is still a matter of planning judgement, by the decision maker, as to the weight given to the relevant...
polices and other material considerations. 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.

**Heritage issues.**

The application site is located within the St Leonards Conservation area and in close proximity to grade II listed buildings namely 1 – 4 St Leonards Place, Claremont Lodge, and St Leonards Church. The conservation area and the listed buildings are all designated heritage assets in terms of the NPPF, as well as being subject to the statutory duties in the 1990 Planning (Listed Buildings and Conservation Areas) Act. The site, due to its location immediately next to Topsham Road and relatively close to the city, also has the clear potential to contain buried archaeological remains, which although they may be undesignated heritage assets, are still a material planning consideration under the NPPF.

In determining this application regard must be had to the statutory duty in respect of 1990 Planning (Listed Buildings and Conservation Areas) Act to “have special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses” (s. 66(1)), and to pay “special attention …to the desirability of preserving or enhancing the character or appearance of that (conservation) area” when making planning decisions (s. 72).The duties above are reflected in policies C1 and C2 of the Local Plan First Review. The policies in the NPPF Chapter 16 with regard to the significance of heritage assets (designated and undesignated), are concerned with what impact a proposal may have on that significance, including on setting, what degree of harm if at all the proposal may cause to that significance, and whether this harm is justified in terms of public benefit of various kinds as reflected Local Plan policies C3 (locally listed buildings) and C5 (archaeological remains) of the Local Plan First Review.

Within the context of the NPPF the proposed development is considered to result in less than substantial harm to the significance of a designated heritage asset (very few developments result in an impact amounting to substantial harm as defined by the NPPF). In accordance with NPPF paragraph 196 this harm to a designated heritage asset …should be weighed against the public benefit of the proposal including, where appropriate, securing its optimum viable use’. It is therefore necessary to assess in detail the specific harm to heritage assets and a balanced consideration of the harm caused set against the public benefit of the scheme.

**Potential impact on buried archaeological remains (as a non-designated heritage asset)**

There is no supporting documentation, for example a desk based study, as part of the Heritage Statement, that identifies what buried remains may survive on the site and what the impact on them will be by the development. The potential impact of a development on buried remains, and whether or not this is acceptable and can be mitigated, is a material planning consideration as stated within NPPF paragraph 189 ‘…where a site on which development is proposed or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary, a field evaluation’ The proposal will therefore conflict with Local Plan policy C5.

**Impact on the settings of the nearby Listed Buildings**

The development of Mount Radford Lawn is located close to 1 – 4 St Leonards Place, Claremont Lodge, and St Leonards Church, all Grade II listed and therefore designated heritage assets). Assessment is therefore made as to the proposal's impact and harm on the settings of these listed buildings;
St Leonards Place.
Originally, all four villas would have looked out on to open, albeit with some trees and probable planting, landscaped grounds in front, in the form of the earlier extent of Mount Radford Lawn. Subsequently the area of the latter has been incrementally reduced, first by the construction of the houses along the north-western side of Barnardo Road, then by the more recent construction of No. 5 St Leonards Place, the substation and the houses along the south eastern side of Barnardo Road. As a result, Nos 2 – 4 St Leonards Place have already lost their original open setting across the road at the front. No. 1 however still retains this open setting at the front, and it is still possible to appreciate and understand the original locale within which these villas were designed and built. The effect of the new development as proposed will be to remove this remaining open setting to No. 1, by the construction of a new large house side on in front, new boundaries to the garden, and the provision of several formal bays of public on street parking opposite, rather than the current informal on road parking. The proposed development will therefore not preserve the setting of No. 1, and will harm it in the sense of no longer being able to appreciate the original setting of the listed building.

Claremont Lodge.
The current setting of this will reduce in the sense of the amount of open area in front being reduced and formalised as an oval enclosed pocket park. It is arguable whether or not this change preserves or harms the setting of the lodge, but the change is less harmful than replacing open green space with a building and parking, as with that of No. 1 St Leonards Place.

St Leonards Church.
Currently the church spire can be seen from several locations within the site and around it. The proposals will restrict this to one narrow vista view from a particular point within the new oval park. As with any church tower or spire, its presence is meant to advertise the presence of the church and to visually dominate the surroundings, as a constant reminder as to its presence and what it represents. As such, the church and its spire have a rather wider and more extensive setting than domestic scale listed buildings. Development that severely reduces and cuts down the places from which the spire can be seen or glimpsed, as an ever present reminder of the presence of the church within the neighbourhood and community, is therefore clearly not preserving its setting, and is causing harm to it, as it will reduce the ability to appreciate and understand the significance of the church and its spire.

Impact on the character and appearance of the St Leonards Conservation Area.
The remaining open space of Mount Radford Lawn is specifically identified as a positive space in the adopted conservation area appraisal, and as such is integral to the character and appearance of this part of the conservation area. Conservation Areas are an area designation, and are a sum of their parts, including trees, open space and streetscape as well as particularly significant buildings, listed or unlisted. It is difficult to see therefore how building new houses, enclosed private gardens, and access roads and other infrastructure over at least half of the remaining area of the Lawn, and reducing the remaining open space to two separate, smaller pocket parks, can be considered to preserve the character and appearance of this part of the conservation area. In NPPF terms, building over much of the open space and formalising the remainder in three separate pocket parks or gardens would clearly cause significant harm to the particular significance of this part of the conservation area, given that the Lawn is identified in the appraisal as a key element of the conservation area document.

Following this assessment it is considered that that the proposed development will lead to less than substantial harm to the significance of designated assets namely St Leonards Place, St Leonards Church and the St Leonards Conservation Area identified as a positive space and consequently refusal can be warranted. In accordance with NPPF paragraph 196 the harm is weighed against the public benefit in this instance the additional dwellings to
help meet the Council 5 year housing supply and the developer’s proposed contribution to affordable housing and playing fields and provision of on-site public open space and it is concluded that the adverse harm to heritage assets would take precedence. The scheme would therefore be contrary to Local Plan Policies C1, C2, C3 and C5.

Loss of Playing Fields/Open Space

Mount Radford Lawn represents an important area of green space which adds to the character and appearance of the conservation area. In addition to its visual function, the site has historically been used for recreational activity in association with local schools, community groups and sports clubs. It is clear from the correspondence of previous users, photographic evidence and comments made by Sport England that the site has been well used over a significant number of years. Indeed correspondence has stated that the field was used as early as this year in connection with the local school, until this permission was removed by the landowners. The planning system cannot insist that an area of land is made available for public use, however local schools and groups have expressed interest in continuing using the land in association with outdoor recreation. An example of the local community interest in the land is evident from St Leonards Neighbourhood Associations proposal to use the site for a community building and associated open space. Whilst this highlights local interest it must be stressed that this is not a matter for consideration as part of this application.

The significant number of objection letters/emails and the comments raised indicates the strength of feeling against development of the site for housing. Whilst the site is not designated as an area of open space in the Local Plan and therefore Policy L3 is not applicable, the use of the site for playing pitches does warrant assessment against Policy L5 which states that ‘development that would result in the loss of a playing field will not be permitted if would harm recreation opportunities in the area’. The Local Plan does highlight circumstances when this can be set aside, which include when there is an excess of playing field provision in the city or replacement provision is made of at least equivalent community benefit. This Policy reflects the criteria as stated within the NPPF paragraph 97 and Sport England’s own playing fields policy which states that they ‘… 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 which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field’.

It is accepted that the land is currently in private ownership and the local authority has no powers to insist on access for its public use. However it is clear from the correspondence that the land is valued by the local community and considerable benefit has been gained over the years by a variety of local communities and sporting organisations. As the Local Plan states ‘playing fields are significant resource for sport but they are under constant pressure for development. Once developed they are likely to be lost for ever. The Government places particular emphasis on the protection of playing fields and stresses that local authorities should carry out local assessments of demand’. The Council has recently (July 2019) published a Physical Activity Strategy and Built Facilities, Playing Fields, Pitches, Play Areas, Parks and Green Spaces Strategy which emphases its commitment to being a physically active city. Whilst the documents do not refer directly to the application site it is notable that the later document highlights a deficiency in playing pitches across the city. It is understood that a Playing Pitch Strategy will be published early in 2020 and the creation of additional playing pitch facilities (in locations yet to be determined) is likely to be the conclusion.

The applicant has offered a financial contribution to offset the loss of existing playing pitches/recreational use to be used in targeted areas as considered appropriate by the Council. However it is clear that local residents and groups value this area of land and until
this Strategy is concluded any decision to develop the site could at best be considered premature. It is consider that financial contribution offered does not outweigh the potential this area has for public playing pitch/recreation spaces (subject to the agreement of the land owner) and accordingly the development would be contrary to the NPPF, Sport England’s playing field policy and polices L5 of the Local Plan and CP10 of the Core Strategy.

Layout and Impact on Residential properties

The predominant style of neighbouring dwellings in the vicinity of the application site are terraced. However St Leonards contains a variety of property styles and therefore there is no objection in principle to the proposed detached dwellings if development was deemed to be appropriate for this site. In respect of size the scheme draws reference from the sustainable properties of 1-4 St Leonards Place. The architectural approach taken is more ‘safe’ traditional than contemporary and consequently it is considered that the buildings to a certain extent lack the necessary robustness in design which this conservation area requires. However given the obvious references to styles of dwellings in the St Leonards area it would be difficult to warrant refusal of the scheme on this issue.

It is noted that given the generous proportions of the houses themselves and the outdoor amenity space the scheme would meet the required standards as set out in the Residential Design SPD. In addition, whilst the gardens in Barnardo Road are substandard in length to meet the current requirements of the SPD, the generous gardens proposed by the application scheme mean that a distance of 35 metres would be retained between the existing and proposed dwellings and significantly exceed the minimum 22 metres as specified by the SPD. Whilst the outlook from the rear of properties in Barnardo Road would be significantly changed as a result of the development given the distance involved it would be to an acceptable level in accordance with the design guidance and its urban setting. It is noted however that although the site is predominantly flat the new properties would be built up to 3 metres taller than existing properties in Barnardo Road.

Local residents have questioned whether the open space proposed will genuinely be for public use. Although the area to the north east is reasonable in relation to the site, it is considered that the proximity of the proposed substantial dwellings will deter causal recreational use of the area. The limited distance between the public open space and the dwellings would create a lack of perceived separation between users of the space and the new residents for either party to feel at ease with this arrangement. Consequently the usability of this area by the public is questionable. It is also considered that the other two areas would not create genuine useable space, one located alongside the new entrance adjacent to a busy road junction and the other located in the corner of the site adjacent to Topsham Road served by a narrow access between two of the proposed houses and with poor levels of natural surveillance. Consequently it is considered that this would result in an unacceptable layout and does represent a reason for refusal.

Highway/Parking Issues

The County highway officer has raised a number of specific matters of detail in respect of the new access arrangement and the proposed off site public parking provision. The highway officer has commented that these matters have not been through a road safety audit and consequently given the lack of information it is not possible to fully assess the scheme and its appropriateness in highway terms. Some concern is raised regarding the level of parking proposed (23 spaces for 7 dwellings) as being excessive and lack of identifiable cycle storage facilities goes against sustainable development objectives. However it does appear that subject to the appropriate audit being taken and revised plans, the proposal could be acceptable in highway terms. However the off-site public parking spaces will require further assessment and without a road safety audit it is not possible to confirm whether this
arrangement would be acceptable. Consequently as recommended by the highway officer in the absence of sufficient information to enable a full assessment, the application should be refused.

**Summary**

The NPPF is clear that the starting point for the assessment of a planning application is the development plan. Whilst it is accepted that the lack of a 5 years housing supply represents a material consideration, it does not prevent the decision maker from considering all relevant policies and the weight that should be attached. In this instance it is considered that the building of 7 dwellings, a financial contribution towards affordable housing and playing pitches does not outweigh the harm the development would cause to heritage assets or the loss of playing fields/recreational space in the area as assessed within this report. In addition, this scheme would provide a poor residential layout in terms of the siting of the open spaces and insufficient information has been submitted to conclude that it is acceptable in highway terms. Accordingly the recommendation is to the refuse the application.

**DELEGATION BRIEFING**

8 October 2019 – Members were advised that the land is to be sold by the Deaf Academy to raise funds for its move to Exmouth and in support of the application 65 letters had been received. Notwithstanding the absence of a specific designation for this land and the absence of a five year housing supply concern is raised about the impact of the development on heritage assets and the loss of existing playing pitches. Members noted that Sport England had objected, opposing the loss of this valuable open space. Such loss also did not reflect the Exeter Live Better Strategy. A Member was advised that Sport England was not in a position to purchase the land but they would be likely to support a refusal at appeal. It was suggested that, because of the historic use for recreation there was a potential for a Village Green Status application.

The following objections had been received within 225 letters submitted to date. Members were advised that the main issues related to the impact of the development on the conservation area and nearby listed building; loss of open space actively used by local residents; loss of parking spaces; and relationship with properties in Barnardo Road.

Members were advised that the developer was proposing a financial contribution rather than providing affordable housing onsite and for playing pitch development in the city.

Members noted that the application would be considered by the Planning Committee.

**RECOMMENDATION**

REFUSE for the following reasons:-

1. The proposal is contrary to Section 16 of the National Planning Policy Framework Policy and Policies C1, C2 and C5 of the Exeter Local Plan First Review 1995 to 2011 because the development would cause less than substantial harm to the area’s heritage assets notably the listed buildings of 1 St Leonards Place, St Leonards Church, potential buried archaeological remains and the St Leonards Conservation Area within which the site is identified as a positive space by reason of the unacceptable density, layout, siting, height and design of the proposed dwellings.

2. The proposal is contrary to the Section 8 of the National Planning Policy Framework, Policy CP10 of the Exeter Local Development Framework Core Strategy, Policies L5 of the
Exeter Local Plan First Review 1995 to 2011 and Sports England’s Planning Field Policy because the development result in the loss of an existing playing fields which would harm recreational opportunities in the area.

3. The proposal would be contrary to Section 12 of the National Planning Policy Framework, Policy CP17 of the Exeter Local Development Framework Core Strategy Policies DG1 and DG4 of the Exeter Local Plan First Review and the Council's Supplementary Planning Document 'Residential Design' because the location of the three areas of public open space would be inappropriately sited in relation to the proposed dwellings resulting in a poor level of natural surveillance and preventing the usability of the area by nearby residents and the wider community.

4. In the absence of sufficient highway information, particularly in respect of a Road Safety Audit regarding parking spaces, the Local Planning Authority as advised by the Local Highway Authority is unable to confirm that the scheme meets necessary highway safety standards onto the existing highway network and therefore is contrary to Policy DG1 of the Exeter Local Plan First Review.