

# Planning Committee Report 24/0785/FUL

## 1.0 Application information

Number:	24/0785/FUL
Applicant Name:	Mr David Lovell, Heritage Developments (South West) Ltd
Proposal:	Demolition of existing buildings/structures. Proposed residential development of 54 no. residential units, including affordable housing, plus open space, landscaping, car parking, drainage, vehicular access, internal roads and all associated infrastructure and development
Site Address:	Topsham Golf Academy Exeter Road Topsham EX3 0LY
Registration Date:	10 July 2024
Link to Application:	<a href="https://publicaccess.exeter.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.exeter.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>
Case Officer:	Goran Molin
Ward Member(s):	Cllr Cookson, Cllr Rolston, Cllr Williams

### REASON APPLICATION IS GOING TO COMMITTEE:

The Head of City Development considers the application to be a significant application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

## 2.0 Summary of recommendation

DELEGATE to GRANT permission subject to completion of a S106 Agreement relating to matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

## 3.0 Reason for the recommendation: as set out in Section 18 at end

- Absence of 5-year land supply
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The proposal is not considered to be of any significant harm to neighbouring residential amenity.
- There are no material considerations that warrant refusal of this application

#### 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	<p>The site lies within the built-up area of Topsham where the principle of residential development is established by adjacent permissions, including Berkeley Park. Although the land is designated as Landscape Setting under saved Policy LS1 and within the strategic gap between Topsham and Exeter (Policy CP16), the surrounding pattern of development and existing enclosure limit the site's contribution to wider landscape openness. Saved Policy LS1 also has limited weight following a number of appeal decisions and without a 5-year supply of housing. The Topsham Golf Academy site is not designated as public open space, a playing field, or a community recreation area in the adopted Local Plan. It operated as a private commercial leisure use. The Local Plan Team deem the existing golf driving range is protected under Policy CP10, but a replacement facility has opened recently behind InFocus to the northwest and is considered appropriate. The loss of the former Golf Academy is therefore acceptable, and the principle of residential redevelopment is supported. The emerging Exeter Plan carries limited weight in decision making but supports modest greenfield development in sustainable locations. The site is allocated for 54 homes under emerging Policy H2.</p>
Scale, design, impact on character and appearance	<p>The scale and form of the development are consistent with the prevailing two and two-and-a-half-storey character of the surrounding residential area. The revised layout and detailed design</p>

Issue	Conclusion
	<p>have evolved through discussions with officers and respond positively to earlier consultation feedback. The architecture and materials reflect local vernacular cues and provide visual continuity with adjoining development. The scheme is well integrated within its context and would have a limited visual impact when viewed from surrounding land. Overall, the design is appropriate and well executed.</p>
Impact on amenity	<p>The layout achieves satisfactory separation distances between dwellings, with no significant loss of privacy or outlook to existing or proposed residents. While there will be some change to the outlook of neighbouring properties, this is considered modest and acceptable in the suburban context. The boundary hedgerows are of particular importance for both residential amenity and biodiversity; where gaps or weak sections exist, they should be reinforced through the landscaping scheme. Within the development, the layout provides good levels of amenity for future occupiers.</p>
Impact on landscape or heritage assets	<p>The proposal would result in limited landscape change given the enclosed nature of the site and existing built context. The development would not harm the setting of Topsham or views from the wider landscape. There are no designated heritage assets within or adjacent to the site, and no heritage impacts have been identified.</p>
Sustainability and Net Zero Carbon Approach	<p>The development aligns with Exeter's sustainability objectives, incorporating energy-efficient measures such as triple-glazed windows, air source heat pumps, and solar photovoltaic systems, achieving net zero carbon and exceeding carbon reduction targets in</p>

Issue	Conclusion
	compliance with Core Strategy policies CP15 and CP17.
Ecology and Biodiversity	The site supports limited ecological interest due to its former use, but enhancement is proposed through retention and strengthening of boundary vegetation, habitat planting, and the inclusion of bird and bat features. The scheme shows a net loss of biodiversity and is required to provide a 10% Biodiversity Net Gain off-site. Impacts on European protected sites within 10 km of Exeter are addressed through a financial Habitat Mitigation Contribution in accordance with the South East Devon European Site Mitigation Strategy.
Access and Parking	Vehicular access from Newcourt Road has been designed to current highway standards and is supported in principle by the Highway Authority. The principle and the design of the access from Topsham Road has been established by approved development south of the site. The internal layout provides appropriate parking and turning areas, with pedestrian and cycle links integrated throughout. The development is accessible by public transport and active travel modes. The development includes a route from Topsham Road to the northern boundary to enable a future connection between Topsham Road and Newcourt Road for vehicles, cycles and pedestrian movement.
Economic and social benefits	The scheme would make a positive contribution to housing supply, including 35% affordable housing (comprising 70% Social Rent and 30% Shared Equity). It would generate economic activity through construction

Issue	Conclusion
	and occupation and contribute £35,232 towards local health care provision. The development would also be subject to the Community Infrastructure Levy (CIL) and other standard contributions.
Environmental Impact	The most southern part of the site is shown on the Council's GIS map as potentially at risk of contamination. The development is also affected by road and ASHP noise. Environmental Health has no objection, subject to noise mitigation and managing unsuspected contamination. Air quality is not a concern, and an Environmental Impact Assessment is not required.

## 5.0 Description of site

The application site comprises approximately 1.9 hectares of land formerly occupied by the Topsham Golf Academy, located on the eastern side of Exeter Road, north of Topsham. The site occupies a transitional position between the established residential edge of Topsham and the open recreational land associated with the University of Exeter Sports Ground and Topsham Cricket Club to the west.

The site contains the disused golf driving range building, which includes a series of covered bays, an office and maintenance area, and ancillary hardstanding and car parking. The driving range itself consists of a grassed open field with low structures and lighting columns, enclosed by high boundary netting supported on metal poles. The landform is generally level, with a gentle fall from south to north, and is enclosed by mature hedgerows and intermittent tree planting.

Access is taken from Newcourt Road, which connects to Exeter Road to the south-west. The existing access serves the former car park and is surfaced and gated. The interior of the site is largely open and free from significant vegetation, reflecting its former recreational use. There are no public rights of way within the site boundary.

To the south and east, the site adjoins the recently completed Berkeley Park residential development, also by Heritage Developments (South West) Ltd, comprising mainly two-storey dwellings with associated landscaping. To the north, the site is bounded by hedgerows and open grassland, beyond which lies further residential development fronting Newcourt Road. To the west, the site adjoins open land and sports pitches associated with Topsham Cricket Club and the University of Exeter's Topsham Sports Ground, providing a distinct visual and functional separation from the wider urban area.

The surrounding area has a predominantly residential and recreational character, with good access to local services and facilities within Topsham. The site is well connected to public transport links, with nearby bus stops on Exeter Road and Topsham railway station located within reasonable walking distance.

The site is not within a Conservation Area, nor does it contain any listed buildings. However, it lies within an area designated as Landscape Setting under saved Policy LS1 of the Exeter Local Plan First Review and within the strategic gap between Topsham and Exeter (Policy CP16). These policies protect the open and green character of the city's setting, and require new development maintains or enhances the visual and environmental quality of these areas. The site is in Flood Zone 1.

## **6.0 Description of development**

The application seeks full planning permission for the demolition of all existing buildings and structures associated with the former Topsham Golf Academy and the construction of 54 dwellings with associated access, parking, landscaping, drainage, public open space and supporting infrastructure.

The development would comprise a mix of detached, semi-detached and terraced dwellings of two and two-and-a-half storeys, reflecting the scale and form of the adjoining Berkeley Park development. The materials palette includes brick and render walls with natural slate or single-ply roofs, complemented by simple architectural detailing.

Vehicular access would be taken from Exeter Road, using the existing entrance but widened and re-engineered to highway standards. The internal layout establishes a clear hierarchy of streets with shared surfaces and pedestrian connections, including a link to the northern boundary. Parking is provided on-plot and within small courts, together with visitor spaces and cycle storage.

Three areas of public open space are incorporated: an entrance green, a central open area containing an indicative Local Area for Play (LAP), and a smaller landscaped space to the north. Sustainable drainage features, including swales and attenuation, are integrated into the layout. Existing boundary hedgerows and trees are largely retained and reinforced with new planting, supported by a set-back weld-mesh fence to allow ecological enhancement and future maintenance.

Surface water will drain to on-site attenuation features in accordance with the submitted Flood Risk Assessment and Drainage Strategy, and foul water will connect to the South West Water network. Ecological measures include biodiversity net gain through native planting; habitat features and enhancement of retained boundaries.

The proposed layout was revised during the application following officer advice. The principal changes were:

- Revised house types and elevations to provide improved active frontages and greater surveillance of public areas;
- Relocation of the main access route with enlargement of open spaces, with the central area re-designed to accommodate a LAP;
- Additional landscaping and street trees;
- Re-positioning of the pedestrian crossing and service runs; and
- Introduction of a clearer street hierarchy and improved boundary treatment to support ecological objectives.

The revised scheme represents a coordinated response to design, landscape and drainage considerations identified through the planning process.

## **7.0 Supporting information provided by applicant**

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Drainage Strategy
- Transport Statement
- Travel plan
- Geophysics Report
- Archaeological Assessment
- Environmental Noise Impact Assessment
- Air Quality Screening Assessment
- Landscape and Visual Impact Assessment
- Waste Audit Statement
- Green Infrastructure Report
- Swept Path Analysis
- Landscape Strategy Report
- BNG Statement and Metric
- Arboricultural Report
- Gross Internal Area Assessment
- Highways Layout
- Topographical Survey Plan
- Photographs

## **8.0 Relevant planning history**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
18/1100/NMA	Amendment to approved consent comprising reduction in the size of the proposed car park (46 spaces down	PER	16.08.2018

	to 34) and incorporation of practice putting green on the saved space. (Non-material Minor Amendment to planning permission 16/0081/03 granted 12th April 2016).		
16/0081/FUL	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.	PER	12.04.2016

## 9.0 List of constraints

- The site is within the strategic gap between Topsham and Exeter (Policy CP16)
- The site is designated Landscape Setting under saved Policy LS1 of the Exeter Local Plan First Review
- The use of site is deemed meeting community need as described in Policy CP10 of the Core Strategy
- Residential uses to the south and east

## 10.0 Consultations

Below is a summary of the consultee responses. All consultee responses can be viewed in full on the Council's website.

**Environment Agency:** No response received.

**RSPB:** The revised Ecological Impact Assessment (EclA) indicates that bird bricks or boxes will be integrated into the new properties, with one provided for every two dwellings, as shown on the ECOPs. The RSPB welcomes the inclusion of bird boxes but is disappointed by the proposed ratio, which does not comply with the Biodiversity Requirements of the Residential Design Guide or BS 42021:2022 – Specification for the design and installation of bird boxes, both of which recommend an average of one bird box per residential unit.

### **Local Highway Authority (Devon County Council):**

Initial comments the Highway Authority included:

- Impact on Topsham Road acceptable
- Connection to Newcourt Road essential
  - Vehicle access to be secured
  - Cycle connection to be built

- General comments on internal road layout and highway run-off
- Ecological Buffer zone will impact on highway layout (addressed in revised plans)

Following the submission of the amended plans, which altered the internal highway layout, the Highway Authority has raised no objection to the scheme, subject to the inclusion of conditions. These conditions include the submission of details regarding highway-associated works, garaging and vehicle parking, access, visibility splays, and the compound. Further conditions will secure the implementation and maintenance of highway works, a Construction Management Plan, and the necessary surface water drainage details.

**Local Education Authority (Devon County Council):** Education contributions not sought.

**Lead Local Flood Authority (Devon County Council):**

Initially objected to the development because of insufficient information submitted to demonstrate that all aspects of the surface water drainage management plan have been considered. Following matters were raised:

- Model the Phase 1 drainage system with this Phase 2 draining in.
- Confirm how the access road drains.
- A soakaway was constructed to drain the access road as part of the previous golf driving range planning application. There is now a building constructed above where the soakaway was supposed to have been built.
- Provide space for above-ground surface water drainage features.
- Infiltration tests will need to be carried out.
- Will the highway levels allow exceedance flows to be routed as proposed?

Following the submission of further information, the LLFA has withdrawn its objection and has no in-principle objections to the application, subject to the following pre-commencement planning conditions:

- Soakaway test results in accordance with BRE 365 and groundwater monitoring, showing low risk of groundwater re-emergence downslope from soakaways.
- A detailed drainage design based on the approved Flood Risk Assessment and the results of soakaway and groundwater tests.
- Proposals for managing surface water and silt runoff during construction.
- Proposals for the adoption and maintenance of the permanent surface water drainage system.
- A plan for managing exceedance flows safely on site.

These conditions ensure the drainage system will operate effectively and avoid increasing flood risk, in line with national policies.

**Waste Planning Authority (Devon County Council):**

The WAS initially generally acceptable they deemed it unclear how waste from existing buildings and structures on site will be managed and if the Volume Schedule on page 4 includes the anticipated waste arisings from demolition.

A revised WAS was submitted with the revised plans. The WAS now identifies the amount of demolition waste and targets for the re-use and recycling of this waste type.

Therefore, the Waste Planning Authority has no further comments to make on the WAS and it is suggested that the development is carried out in accordance with the statement.

**Royal Devon University Healthcare NHS Foundation Trust:** The Trust advises that its acute and planned care services are operating at full capacity and cannot absorb the additional demand generated by the proposed 54 dwellings without mitigation. As NHS funding is based on historic activity, the development would create an unfunded cost pressure in the first year of occupation. A contribution of £16,990 is therefore sought, considered compliant with Regulation 122, to maintain service capacity and avoid harm to patient care and service quality.

**NHS Devon Integrated Care Board ICB:** A contribution of £35,232 is required towards Local Health Care (GP surgeries).

**South West Water:** Provided standard response plus map with services.

**Police Designing Out Crime Officer:** No objection is raised. The officer requests conditions to secure appropriate crime-prevention measures. These include compliant external lighting to BS5489-1:2020 for footpaths and communal parking areas, and suitable boundary treatments to define public open spaces and enclose formal play areas to prevent misuse and improve safety.

**Ecologist (Dorset Council Natural Environment Team):**

The Natural Environment Team initially commented on the following matters:

- Habitat mitigation for the Exe Estuary SPA (funded via CIL).
- Ecological network and site connectivity.
- Protected species considerations.
- Biodiversity Net Gain (BNG) calculations.

Following the submission of a revised EclA and updated BNG metric, the Team provided further comments. The updated BNG assessment shows a greater on-site deficit (–14.92% habitat units and –10.79% hedgerow units). As a result, off-site BNG units will be required, with evidence of purchase and registration needed before any BNG condition can be discharged.

The revised Site Layout Plan (Rev H) no longer shows the full extent of previously agreed protective fencing along the north-east boundary. This should be corrected if the drawing is to be conditioned.

All mitigation and enhancement measures set out within the EclA, including a full lighting strategy, should be secured by condition. Construction-phase measures should be included in a CEMP, and long-term ecological management in a LEMP.

**Environmental Health (ECC):** Approval subject to conditions regarding Unsuspected Contaminated Land, Noise and Construction and Environmental Management Plan (CEMP).

**Local Plans Team (ECC):** The Local Plan Team advises that the Council currently has a housing land supply below five years, meaning the NPPF tilted balance applies. Although the site lies within the adopted Local Plan's landscape setting area (LS1), only limited weight can be given to this policy; the proposal complies with Core Strategy CP16, with landscape evidence indicating medium sensitivity. The existing golf driving range is protected under CP10, but its replacement facility has planning permission and is considered appropriate, provided it is delivered before the current facility closes. The emerging Exeter Plan gives limited weight but supports modest greenfield development in sustainable locations; the site is allocated for 54 homes under Policy H2.

**Heritage Officer (ECC):** No objection, subject to the inclusion of the standard pre-commencement archaeology condition on any approval.

**Urban Design and Landscape Officer (ECC):**

The officer's initial views to the scheme during first public consultation raised the following concerns:

- No views shown in the LVIA
- Location and relationships with POS
- Paths in the main POS denies the opportunity for larger group activity to take place in the centre of the space
- Provision for formal play?
- Location of access link road
- Clearer street hierarchy
- Garden sizes
- Street trees maintained by the management company vs trees in gardens
- Blank elevations

During the re-consultation, the UDL officer requested further tree planting to strengthen the avenue character along the main street and highlighted the need to

reinstate and properly design segregated footways on the secondary streets, including revising visitor parking locations and reflecting these routes in the drainage strategy. The metalled footpath link to the western development must be reinstated and lit. A detailed landscape scheme and a LEMP will be required by condition. Amendments are sought to improve surveillance from plots 16 and 17, and obscure glazing is required to address privacy concerns at plot 50.

### **Topsham Society**

The Society objected to the original scheme, citing further erosion of the Topsham Gap, traffic and infrastructure pressures, concerns over school and healthcare capacity, and criticism of the architectural design. They request refusal unless the scheme is redesigned and infrastructure issues addressed.

## **11.0 Representations**

22 objections were received, raising the following matters:

- Traffic and street layout, including the potential future link between Topsham Road and Newcourt Road.
- Biodiversity, including BNG, protected species (such as badgers), and the role and condition of the Devon bank and hedgerow as a wildlife corridor.
- Surface water drainage, flood risk and foul sewer capacity.
- Pressure on local health services (GP surgeries).
- Character and appearance, including the scale, density and layout of the development.
- Relationship with neighbouring dwellings, including proximity, overlooking and daylight.
- General concerns expressed by residents about the handling of the revised plans and activity observed on the site.

One neutral representation has been received relating to land matters associated with the potential future link to Newcourt Road.

## **12.0 Relevant policies**

### National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2025) - in particular, sections:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land

- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

Planning Practice Guidance (PPG):

Air quality  
Appropriate assessment  
Biodiversity net gain  
Climate change  
Community Infrastructure Levy  
Design: process and tools  
Determining a planning application  
Effective use of land  
First Homes  
Flood risk and coastal change  
Healthy and safe communities  
Housing needs of different groups  
Housing: optional technical standards  
Housing supply and delivery  
Land affected by contamination  
Light pollution  
Natural environment  
Noise  
Open space, sports and recreation facilities, public rights of way and local green space  
Planning obligations  
Travel Plans, Transport Assessments and Statements  
Use of planning conditions  
Waste

National Design Guide (MHCLG, 2021)

National Model Design Code (MHCLG, 2021)

“Building for a Healthy Life” (Homes England’s updated Building for Life 12)

Manual for Streets (CLG/TfT, 2007)

Cycle Infrastructure Design Local Transport Note 1/20 (DfT, July 2020)

Protected species and development: advice for local planning authorities (Natural England and DEFRA, 7 January 2021)

Biodiversity duty: public authority duty to have regard to conserving biodiversity (Natural England and DEFRA, 13 October 2014)

Guidance for Outdoor Sport and Play Beyond the Six Acre Standard England (Fields in Trust, 2020)

### Development Plan

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives

CP1 – Spatial Strategy

CP3 – Housing

CP4 – Density

CP5 – Mixed Housing

CP7 – Affordable Housing

CP9 – Transport

CP10 – Meeting Community Needs

CP11 – Pollution

CP12 – Flood Risk

CP14 – Renewable and Low Carbon Energy

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

CP18 – Infrastructure

Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005) - Saved Policies

AP1 – Design and Location of Development

AP2 – Sequential Approach

H1 – Search Sequence

H2 – Location Priorities

H5 – Diversity of Housing

H7 – Housing for Disabled People

L3 – Protection of Open Space

L4 – Provision of Playing Pitches

T1 – Hierarchy of Modes

T2 – Accessibility Criteria

T3 – Encouraging Use of Sustainable Modes

T5 – Cycle Route Network

T6 – Bus Priority Measures

T9 – Access to Buildings by People with Disabilities

T10 – Car Parking Standards

C5 – Archaeology

LS1 – Landscape Setting  
LS2 – Ramsar/Special Protection Area  
EN2 – Contaminated Land  
EN3 – Air and Water Quality  
EN4 – Flood Risk  
EN5 – Noise  
EN6 – Renewable Energy  
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 Development  
DG7 – Crime Prevention and Safety

Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)

W4 – Waste Prevention  
W21 – Making Provision for Waste Management

#### Other Material Considerations

The Exeter Plan – Publication Plan: Regulation 19 (December 2024)

S1: Spatial strategy  
S2: Liveable Exeter Principles  
CC1: Net zero Exeter  
CC3: Local energy networks  
CC5: Future development standards  
CC6: Embodied carbon  
CC7: Development that is adaptive and resilient to climate change  
CC9: Water quantity and quality  
H1: Housing requirement  
H2: Housing allocations and windfalls  
H4: Affordable housing  
H7: Custom and self-build housing  
H14: Accessible homes  
H15: Housing density and size mix  
H16: Residential amenity and healthy homes

STC1: Sustainable movement  
STC2: The transport hierarchy  
STC3: Supporting active travel  
STC4: Supporting public transport  
STC5: Supporting more sustainable forms of car use  
STC6: Travel Plans  
STC9: Digital communications  
NE1: Landscape setting areas  
NE3: Biodiversity  
NE4: Green infrastructure  
NE6: Urban greening factor  
NE7: Urban tree canopy cover  
D1: Design principles  
D2: Designing-out crime  
HW1: Health and wellbeing  
HW2: Environmental quality  
IF1: Delivery of infrastructure  
IF3: Community facilities  
IF4: Open space, play areas, allotments and sport

Exeter City Council Supplementary Planning Documents:

Affordable Housing SPD (April 2014)  
Archaeology and Development SPD (Nov 2004)  
Sustainable Transport SPD (March 2013)  
Planning Obligations SPD (April 2014)  
Public Open Space SPD (Sept 2005)  
Residential Design Guide SPD (Sept 2010)  
Trees and Development SPD (Sept 2009)

Devon County Council Supplementary Planning Documents:

Minerals and Waste – not just County Matters Part 1: Waste Management and Infrastructure SPD (July 2015)

Liveable Exeter Principles – A city-wide initiative of transformational change (2022)  
Exeter Density Study (July 2021)  
Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)  
Archaeology and Development SPG (November 2004)

### **13.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text available via the Council's website.

It is acknowledged that there are certain properties where they may be some impact. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the overall benefits of the scheme in terms of provision of new dwellings including the contribution of affordable homes.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

### **14.0 Public sector equalities duty**

As set out in the Equality Act 2010, all public bodies, in discharging their functions must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

## **15.0 Financial issues**

The requirements to set out the financial benefits arising from a planning application is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:-

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) of the Town and Country Planning Act 1990.

The information on financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out including their value if known and should include whether the officer considers these to be material or not material.

### Material considerations

The proposed development would secure a range of quantifiable public benefits that carry material weight in the planning balance.

**Affordable Housing:** The scheme delivers 19 affordable dwellings, comprising 11 Social Rented units and 8 Shared Equity units. This represents a significant contribution towards meeting identified local housing need and aligns with the Council’s adopted affordable housing requirements.

**Public Open Space:** Approximately 0.29 hectares of on-site open space would be provided, together with an additional c.400 sq.m of nature area incorporating biodiversity enhancements and Sustainable Urban Drainage (SuDS) features. These elements would contribute to accessible recreation, improved landscape quality and increased ecological value.

**Play Provision:** A combined LAP/LEAP of approximately 300 sq.m would be delivered, providing formal play opportunities for younger children and meeting the relevant policy expectations for onsite play.

**Local Health Care Contribution:** A financial contribution of £35,232 towards local primary health care provision (GP surgeries) is required to mitigate the impact of the development. This would be secured through a Section 106 planning obligation. However, the request for a £16,990 contribution from the Royal Devon University Healthcare NHS Foundation Trust is not supported by local planning policies. There is no established policy requiring such a contribution for healthcare provision in relation to this development. As the proposal does not directly impact local healthcare capacity in a way that justifies the contribution, it does not meet the necessary tests under Regulation 122.

**Economic Benefits:** The construction phase is expected to generate short-term employment and supply-chain expenditure within the local economy. While temporary in nature, these benefits remain a relevant material consideration.

#### Non-material considerations

The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is CIL liable. The rate at which CIL is charged for residential development in 2025 is £139.64 per sq. metre. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website.

## **16.0 Planning assessment**

### 1. Principle of Development

The site lies within the built-up area of Topsham where the principle of residential development is already established through adjacent permissions, including Berkeley Park. Although designated as Landscape Setting under saved Policy LS1 and within the strategic gap between Topsham and Exeter (Policy CP16), only limited weight can be given to the former policy following a number of appeal decisions and it is considered that the site makes a limited contribution to wider landscape openness due to the surrounding built form. In addition, the Council does not currently have a five-year supply of deliverable housing sites, therefore the tilted

balance (NPPF 11) is in effect and it is considered that the adverse impacts of the development do not outweigh the benefits of delivering new housing in this location.

The Topsham Golf Academy is not designated as public open space, a playing field, or a community recreation area. It operated as a private commercial leisure use. The Local Plan Team advises that the existing golf driving range is protected under Policy CP10; however, a replacement facility has been delivered to the northwest of the site behind InFocus and is considered suitable. The loss of the former facility is therefore acceptable, and the principle of residential redevelopment is supported.

The emerging Exeter Plan carries limited weight but identifies the site for 54 dwellings under Policy H2 and supports modest greenfield development in sustainable locations. Overall, the principle of the proposed development is considered to be acceptable.

## 2. Scale, Design, and Impact on Character and Appearance

The scale and form of the proposal are consistent with the surrounding two- and two-and-a-half-storey residential development. The revised layout and detailed design have been refined through engagement with officers and respond positively to earlier consultation feedback. Architecture and materials follow local vernacular cues and ensure visual continuity with adjoining development. Given the site's enclosed context, the visual impact is limited. The overall design is appropriate and acceptable.

## 3. Impact on Residential Amenity

Adequate separation distances are achieved, and the development is not expected to result in material harm to the light, privacy, or outlook of neighbouring dwellings. The revised layout relocates the potential future link to Newcourt Road further from existing properties, which is considered to have no adverse impact, and in some cases a slightly improved relationship to neighbouring amenity.

The link road itself is not new: the principle of a future connection between Topsham Road and Newcourt Road has been established through adjacent planning approvals. Boundary hedgerows remain important for amenity; reinforcement will be secured through the landscape scheme.

Within the site, the proposed layout provides satisfactory levels of amenity for future residents. The dwellings meet the Nationally Described Space Standards for internal areas and storage. Private garden spaces also comply with the Residential Design SPD requirements, offering adequate outdoor amenity.

## 4. Landscape and Heritage

The site's enclosed nature and the surrounding development significantly limit wider landscape sensitivity. The scheme would not harm the landscape setting of Topsham and would not affect any designated heritage assets. No heritage impacts are identified.

## 5. Sustainability and Net Zero Carbon Approach

The proposed development aligns with the sustainability objectives set out in Exeter's Core Strategy, particularly Policy CP15, which requires development to contribute to reducing carbon emissions and support the transition to a low-carbon economy. The scheme is designed to meet a net zero carbon standard, exceeding the carbon reduction requirements of Part L of the Building Regulations, which mandate a 31% reduction in projected carbon emissions.

The development incorporates a range of energy-efficient measures, including triple-glazed windows, advanced insulation, air source heat pumps, and integrated solar photovoltaic systems. Additionally, electric vehicle charging points and cycling storage facilities are included to encourage sustainable travel options and reduce reliance on private car use.

This approach is consistent with the sustainability and development principles outlined in Policy CP17, demonstrating a commitment to high environmental standards for residential development.

## 6. Ecology and Biodiversity

Although the EclA does not identify protected species, the assessment confirms that ecological impacts can be mitigated through habitat retention, boundary strengthening, and ecological enhancements. A Landscape and Ecological Management Plan (LEMP) condition will secure long-term protection, mitigation, and enhancement measures.

The revised BNG metric demonstrates an on-site net loss; the scheme will therefore secure the required 10% Biodiversity Net Gain off-site. Impacts on European protected sites are addressed through the standard Habitat Mitigation Contribution in accordance with the South East Devon European Site Mitigation Strategy.

Although the scheme shows a loss of BNG on-site, it includes measures to enhance the site's ecology. Existing hedgerows will be preserved, with any damage repaired and new planting introduced to create denser, more robust hedges. Protective measures will be implemented between the northern boundary hedge and the dwelling plots. Proposed new trees and enhanced hedges will improve both amenity and biodiversity, supporting wildlife and potential protected species over time.

## 7. SuDS and Surface Water Drainage

The scheme adheres to the principles of Sustainable Drainage Systems (SuDS) and provides both attenuation and biodiversity enhancement. The SuDS features, in the form of a swale and pond, are modest in size but strategically located along the core route. The additional planting associated with these features will contribute to the overall amenity value of the site.

A drainage pre-commencement condition will be added, requiring the submission of soakaway test results, a detailed drainage design, surface water and silt runoff management during construction, proposals for adoption and maintenance, and a plan for managing exceedance flows.

## 8. Access and Parking

Access from Newcourt Road meets current highway standards. The access to Topsham Road, and the safeguarded through-route between the two roads, have been established through previous planning permissions. The revised alignment improves the site layout and maintains appropriate distances from existing housing.

The internal layout provides suitable parking, turning areas, and integrated pedestrian and cycle connections. The site is well served by public transport and active travel routes. Cycle parking is provided within the garages and in separate storage areas, ensuring adequate provision for the development. The implementation of cycle parking facilities will be secured through a planning condition.

#### 9. Economic and Social Benefits

The proposal contributes positively to housing supply, with 35% affordable housing, comprising 70% Social Rent and 30% Shared Equity. The affordable housing provision will be secured through a s106 agreement. In addition, the development will generate economic activity during both construction and occupation and will contribute through CIL and the required planning obligations. A financial contribution of £35,232 towards local health care will be secured through the Section 106 agreement.

#### 10. Environmental Impact

The most southerly part of the site is shown on the Council's GIS map as potentially at risk of contamination. Additionally, the development is impacted by road noise and noise from the proposed Air Source Heat Pump (ASHP). However, Environmental Health has raised no objection, subject to conditions regarding noise mitigation and the management of any unsuspected contamination found during the construction of the development. Air quality is not considered a concern in this location.

The proposal does not fall within a category requiring Environmental Impact Assessment. The anticipated environmental effects are not significant and do not require a formal Environmental Statement.

## **17.0 Conclusion**

The proposed redevelopment of the former Topsham Golf Academy is an appropriate and sustainable use of the site. The principle of residential development is established through adjacent permissions and supported by the emerging Exeter Plan. Although the site falls within the Local Plan's Landscape Setting designation and within the strategic gap between Topsham and Exeter (Policy CP16), the former policy carries limited weight, and the site's enclosed context ensures no adverse landscape impact. A replacement golf facility has been delivered, and the loss of the former use is acceptable under Policy CP10.

The design, layout and scale of the scheme are appropriate to the surrounding residential context. The development will not result in unacceptable impacts on neighbour amenity, with no identified harm relating to light, privacy or overlooking. The revised location of the safeguarded link further improves the internal layout and ensures a satisfactory relationship with existing dwellings.

Ecological impacts can be fully mitigated through conditions, including a LEMP, and the required off-site Biodiversity Net Gain will be secured via the Section 106 Agreement. Highways, drainage and urban design matters are acceptable. The scheme will deliver social and economic benefits, including 35% affordable housing and infrastructure contributions.

Overall, the development accords with the Development Plan when read as a whole, and the impacts can be satisfactorily addressed. The Council is currently unable to demonstrate a 5-year housing land supply and the proposal will make a positive contribution towards housing delivery. The development is considered acceptable in terms of its design/amenity and transportation impacts, and sustainable in terms of its location. Therefore, the officer recommendation is one of approval as set out below.

## **18.0 Recommendation**

### **A) DELEGATE TO HEAD OF CITY DEVELOPMENT TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:**

- A Local Health Care contribution of £35,232 towards GP surgeries in the area
- 35% Affordable Housing
- Management of Public Open Space
- Children's Play (including LAP/LEAP)
- Biodiversity Net Gain (off-site units)
- Habitats Mitigation for Affordable Housing
- SuDS management
- Monitoring costs

All Section 106 contributions shall be index linked from the date of committee resolution.

And the following conditions:

(Details to be provided on the Additional Information Update Sheet before Planning Committee)

**B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 1 JUNE 2026 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER**

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters –

- A Local Health Care contribution of £35,232 towards GP surgeries in the area
- 35% Affordable Housing
- Management of Public Open Space
- Children's Play (including LAP/LEAP)
- Biodiversity Net Gain (off-site units)
- Habitats Mitigation for Affordable Housing
- SuDS management
- Monitoring costs

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 policies CP7, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4, LS2, LS3 and LS4, Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Public Open Space Supplementary Planning Document 2005.