

PLANNING COMMITTEE – 11th October 2021

ADDITIONAL INFORMATION - Correspondence received and matters arising following preparation of the Agenda

Item 5: Planning Application No. 20/0538/OUT - Land off Spruce Close and Celia Crescent, Exeter

The applicant submitted a letter by their planning consultant on 7 October 2021 providing comments on the Council having a five year housing land supply, the landscape assessment carried out by the Chartered Landscape Architect for the Council and s106 obligations. On the five year housing land supply, they state:

- This is a 'minimum' requirement.
- The presence or absence of a five year housing land supply is of marginal relevance to this case.
- The NPPF states that plans and decisions should apply a presumption on favour of sustainable development, and for decision making *"this means approving development proposals that accord with an up-to-date development plan without delay"*, and in this case the officer recommendation is that the proposals are in accordance with the Development Plan insofar as it is up-to-date.
- The Committee Report contains conflicting advice by saying that the implications of having a five year housing land supply are that 'the relevant housing and other policies within the adopted Development Plan are not considered to be out-of-date and are to be applied' and by stating that saved Policy LS1 remains out-of-date and very limited weight can be given to it.
- There are reasons other than not having a five year housing land supply for provisions of the Development Plan to be out-of-date.
- Policy LS1 is out-of-date since it is inconsistent with current national policy to set criteria based policies rather than a blanket protection of countryside for its own sake, and is underpinned by an evidence base that is out-of-date.
- The approach of blanket protection has been superseded by Policy CP16 of the Core Strategy.
- Having a five year housing land supply does not mean that policies which are out-of-date for other reasons, are now up-to-date and should be applied.
- The five year supply is an 'untested assessment' and does not satisfy the circumstances set out in the NPPF under which a five year supply of deliverable housing sites 'can be demonstrated'.
- As such, the advice to members in relation to the five year supply is incorrect and misleading.
- As the assessment does not amount to an NPPF-compliant 'demonstration' of the existence of a five year supply, it has no bearing on the determination of the current application where the proposals do not conflict with the Development Plan.

On the landscape assessment, they state:

- The independent landscape assessment endorses the findings of the Landscape and Visual Impact Assessment (LVIA) submitted with the application.
- There is consistency between it and the CEC Study and the LVIA.
- It endorses and reinforces that there will be no conflict with Policy CP16.

On s106 contributions, they state:

- The s106 will deliver very significant benefits for the local community, including substantial public open space that exceed the requirements to which the development gives rise by a considerable margin.
- If the application is refused, the obligations that have been agreed will be subject to independent scrutiny by the Appeal Inspector having regard to the statutory tests relating to Planning Obligations, including whether they are necessary to make the development acceptable in planning terms, and are fairly and reasonably related in scale and kind to the development.
- If the Inspector concludes not all of the obligations meet the tests, and therefore cannot be afforded weight in the decision, the applicants will have no alternative but to reconsider their position in relation to whether they will continue to be offered, including the offer to dedicate the adjoining fields as public open space/New Valley Park.

The letter can be read in full on the Council's website: [Related Documents - Exeter City Council](#).

Officers will provide verbal advice to Members on the issues that have been raised at Planning Committee.

Item 6: Planning Application No. 20/0691/FUL - Clifton Hill Sports Centre, Clifton Hill, Exeter

Nothing further to report.

Item 7: Planning Application No. 20/1187/FUL - Exmouth Junction Gateway Site , Prince Charles Road, Exeter

Nothing further to report.