

# Planning Committee Report 21/1676/FUL

## 1.0 Application information

**Number:** 21/1676/FUL  
**Applicant Name:** Mr Will Gannon, Exeter Golf and Country Club  
**Proposal:** Development comprising change of use to golf driving range including construction of an 8 bay and 2 training bay facility incorporating equipment store and car park.  
**Site Address:** Land North East Of 371 Topsham Road  
Access To West Of England School  
Exeter  
**Registration Date:** 2 November 2021  
**Link to Application:** <https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R1YB39HBJMA00>  
**Case Officer:** Matthew Diamond  
**Ward Member(s):** Cllr Marina Asvachin, Cllr Jane Begley, Cllr Tony Wardle

REASON APPLICATION IS GOING TO COMMITTEE

In accordance with the Delegation Briefing decision made on 12 July 2022, due to the high number of objections.

## 2.0 Summary of recommendation

GRANT permission subject to conditions as set out in report.

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

The proposal is considered to accord with the Development Plan and there are no material considerations to indicate that planning permission should be refused. The biodiversity of the site will be enhanced, which is a sustainability benefit. The proposal does not include floodlighting.

## 4.0 Table of key planning issues

Issue	Conclusion
The Principle of the Proposed Development	The key development plan policies are Policy CP16 of the Core Strategy and saved Policies L1 and LS1 of the Local Plan First Review, although limited weight can be given to the latter. The proposed development is considered to accord with these policies and the development plan as a whole, as the

Issue	Conclusion
	<p>development is for a recreation use that will not adversely affect the character and local distinctiveness of the Valley Park to a significant degree. The site is not publicly accessible for informal recreation and there is no evidence to suggest that this will change in future. The majority of the site will remain as green open space, which will preserve the rural character of the site while the use continues. Floodlighting, netting, flags or other golfing paraphernalia are not included in the application.</p>
Access and Impact on Local Highways	<p>The Local Highway Authority has raised no objections to the proposal, as it will not have a severe impact on the local highway network given it will generate relatively few trips. The access to the site is also considered safe for all users. Therefore, there are no highways grounds to refuse the application. Cycle parking, EV charging and reduced flight balls shall be conditioned.</p>
Parking	<p>The proposed car park contains 26 standard spaces. The parking standard for D2, including leisure, uses is 1 space per 22 sq m equating to 11 spaces for the proposal, although the standards are indicative. A condition is required to convert 3 spaces into disabled spaces, which will reduce the total number of spaces in the car park as will provision of a cycle shelter. The level of parking is therefore considered acceptable and similar to the existing facility, so overspill parking on local roads will not occur.</p>
Design, Landscape and Heritage	<p>The new building will be single storey and primarily constructed from timber and composite cladding. A condition is required to agree the colour of the materials to ensure they fit into the landscape setting. The landscape</p>

Issue	Conclusion
	proposals include new planting outside the ball striking zone that will enhance the biodiversity of the site. The planting specification is well-suited for the landscape. The setting of heritage assets will not be affected. The standard archaeological condition is required.
Noise	Environmental Health has recommended a condition for a Noise Impact Assessment, including the noise of golf balls being struck, but does not consider it to be a particularly loud use overall.
Impact on Trees and Biodiversity	No trees will be affected. The proposals will result in a biodiversity net gain of 36.71% for habitats and 8.96% for hedges. No protected species will be harmed, although the Council's ecologist has recommended a condition for a walkover survey prior to construction works. The submitted LEMP will be conditioned to ensure appropriate long-term landscape management.
Flood Risk and Surface Water Management	The proposal is not at risk of flooding and a sustainable drainage system has been agreed with the Lead Local Flood Authority (DCC) including an attenuation basin. The car park will have permeable grasscrete, although the LLFA has asked if it can be connected to the attenuation basin in case the grasscrete does not perform well – applicant's response awaited.
Sustainable Construction and Energy Conservation	The proposed development does not meet the thresholds in Policy CP13 for connection to a Decentralised Energy Network. No information has been provided regarding the energy or water efficiency of the building in accordance with Policy CP15. A condition should be added to require details of this before construction begins.

Issue	Conclusion
Development Plan, Material Considerations and Presumption in Favour of Sustainable Development	The proposal accords with the development plan as a whole and there are no material considerations to indicate planning permission should be refused contrary to the development plan. The proposed biodiversity enhancement is a sustainability benefit. The presumption in favour of sustainable development in the NPPF supports granting planning permission.

## 5.0 Description of site

The site comprises an agricultural field northeast of InFocus, Topsham Road, which is a charity providing specialist services for young people with vision impairment and complex needs. The site is in Priory Ward and approximately 7 hectares. The site is within Ludwell Valley Park, but is private land not managed by Devon Wildlife Trust. It is not accessible to the public.

The site is bounded by the publicly accessible part of Ludwell Valley Park to the northeast, the A379 Rydon Lane to the southeast, InFocus and 39 Rydon Lane to the southwest, and the rear gardens of residential dwellings in Tollards Road to the northwest. Ordnance Survey and aerial mapping show an informal footpath through the site running in a straight line from the access in the southwest corner to the northeast boundary, where it appears to connect with paths in Ludwell Valley Park. There was no evidence of this path or a physical connection at a site visit carried out on 27 April 2023 and the access was gated. There is no public right of way across the land. There is a formal pedestrian access to the park from Wendover Way to the northwest. The site comprises semi-improved grassland and has an undulating topography generally rising to the north. The field is surrounded by hedgerows including trees except the southeast boundary which has a line of coniferous trees and provide screening from the A379.

The site is designated Valley Park on the Core Strategy Key Diagram. It is designated Valley Park and Site of Nature Conservation Importance (SNCI) on the Local Plan First Review Proposals Map. The site is also located within the Landscape Setting area. The adjoining field to the northeast is part of the Ludwell Valley Park County Wildlife Site (CWS). Topsham Road to the south is an Air Quality Management Area (AQMA). There are no above ground heritage assets within the vicinity. The site is in Flood Zone 1.

The site is within the Ludwell character zone in the Riverside & Ludwell Valley Parks Masterplan 2016-2026. This is characterised as natural green space where traditional mixed farming predominates, with irregular field patterns and dense hedgerows constructed on top of earth banks. The Masterplan states that 'The landscape has a

strong sense of place and an overriding spontaneous affinity with farmland, rolling fields and hedgerows, and a 'rural' look.'

The site was submitted for assessment in the Revised Strategic Housing Land Availability Assessment (SHLAA) 2015, but was excluded as a potential site for housing due to its conflict with strategic planning policy. An outline planning application for up to 123 houses on the site was submitted in April 2015 and refused in August 2016 (ref. 15/0436/OUT). A follow-up application was submitted in January 2017 and refused in March 2017, and subsequently dismissed at appeal in February 2018 (ref. 17/0121/OUT). The Inspector concluded the site was a 'valued landscape' with reference to paragraph 109 of the 2012 version of the NPPF, stating the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

A call for sites was carried out from November 2020 to January 2021 as part of the preparation of the new Exeter Plan. Potential housing sites were assessed in the Exeter Housing and Economic Land Availability Assessment (HELAA) (September 2022). The site was not submitted for assessment as part of this process, however the existing golf driving range site off Topsham Road was.

## **6.0 Description of development**

The proposed development is to change the use of the site from an agricultural field to a golf driving range, including the development of a single storey building and car park adjacent to the site access. The facility will replace the existing facility off Topsham Road, approximately 2km to the southeast, which it is understood will be vacated. Like the existing facility, the new facility will be available to use by members of Exeter Golf and Country Club/Topsham Golf Academy and not be open to the general public. A security fence is proposed along the boundary with Rydon Lane.

The car park will be surfaced in grasscrete and have up to 26 spaces (see 16.3). The building will be sited adjacent to the car park to the east. It will comprise a reception area, kitchen, WCs, tractor store, 8 bays (for striking the ball) and a specialised training bay. It will be constructed from timber and composite cladding, with a brick plinth and metal rainwater goods. It will have a building footprint of 251 sq m and appear similar to the building at the existing facility.

The bays will face towards the northeast corner of the field and A379, away from the housing in Tollards Road and InFocus buildings. The ball striking zone will be 250m long. This compares with approximately 180m at the existing facility. Unlike the existing facility there will be no flags (marking distances) or other paraphernalia in the ball striking zone (none are shown on the plans and this has been confirmed verbally). Instead users will be able to see the distance they strike the ball on a monitor in each bay, utilising the same camera technology used at professional golf events. There will be no floodlighting; the Club has confirmed the facility will be viable to operate in daylight hours only. Due to the much larger size of the site compared to

the existing facility, there will be no need for any safety netting. The applicant has confirmed verbally that no chemicals will be sprayed on the grass and none are used at the existing facility.

The applicant has submitted a Landscape and Ecological Mitigation Plan showing new planting on the site as part of the proposals to enhance biodiversity. This includes a woodland copse adjacent to the northeast boundary and further woodland planting along this and the southeast boundary. Another small area of woodland will be planted in the southeast part of the site, as well as small pockets of scrub planting and individual trees outside the ball striking zone. An area of scattered tree and scrub planting will be placed between the car park and the boundary with dwellings on Tollards Road.

Surface water drainage will be stored in a SuDS basin south of the new building, adjacent to the southwest boundary. Attenuated flows from this will discharge into the public sewer at a controlled rate. Foul water will be disposed to the mains beneath the access road.

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

- Planning Statement (October 2021)
- Golf Range Lighting Design (March 2021) – SUPERSEDED
- Statement of Community Involvement (October 2021)
- Report on New Practice Ground at Countess Wear Exeter Golf & Country Club (6<sup>th</sup> April 2021)
- Ecological Appraisal (March 2021)

### Additional Information Submitted During Application

- Landscape & Ecological Management Plan (14 April 2022) – SUPERSEDED
- An Overview of Cirl Bunting Surveys of the Proposed Development (11 April 2022)
- Cirl Bunting Survey (Summer 2020)
- Exeter Golf Club – measures for biodiversity
- Cirl Bunting Breeding & Wintering Bird Survey (March 2022)
- Flood Risk & Drainage Technical Note (22<sup>nd</sup> November 2022)
- Landscape & Ecological Management Plan Rev B (24 November 2022)

## **8.0 Relevant planning history**

<a href="#">17/0121/OUT</a>	Outline planning application for up to 123 houses and associated infrastructure, with all matters reserved except for access.	REF Appeal Dismissed	28.03.2017 13.02.2018
<a href="#">15/0436/OUT</a>	Outline planning application for up to 123 houses and associated	REF	05.08.2016

	infrastructure, with all matters reserved except for access.		
<a href="#">01/1769/OUT</a>	Residential development and ancillary works including the demolition of 371 Topsham Road and the formation of a temporary construction access to Rydon Lane (all matters reserved for future consideration)	REF Appeal Dismissed by SoS	28.05.2002  16.01.2004
<a href="#">96/0620/OUT</a>	Residential development (all matters reserved for future consideration)	REF Appeal Dismissed by SoS	17.12.1996  15.09.1997
<a href="#">96/0209/OUT</a>	Residential development (all matters reserved for future consideration)	REF	04.06.1996

## 9.0 List of constraints

- The site is designated Valley Park
- The site is designated Landscape Setting
- The site is designated a Site of Nature Conservation Importance
- The site is adjacent to Ludwell Valley Park County Wildlife Site to the north
- The site is indicated as potentially contaminated on the Council's GIS
- Residential uses to the northwest
- Charity providing education, care and support services to people with visual impairment and other complex needs to south

## 10.0 Consultations

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

**National Highways:** No objections – were satisfied the development is unlikely to result in an adverse impact on the safe operation of the strategic road network based on the scope of the proposal and associated traffic generation.

### Natural England:

#### *Original Response to the Application*

No objection – considered the development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Provided generic advice on other natural environment issues.

#### *Response to June 2022 Reconsultation on Landscape & Ecology Plans*

Welcomed the removal of floodlighting. Stated that conditions should prevent the installation of any lighting that would cause additional illumination of hedgerows, which are important wildlife corridors, and further conditions should protect hedgerows during construction and implement a Landscape and Ecological Management Plan (LEMP). Raised concerns over whether the proposal contributed to the Green Infrastructure Strategy, as the site is shown as part of Ludwell Valley Park within this document. Questioned whether the proposal complies with the Masterplan for Riverside and Ludwell Valley Parks. Advised the Council to consider whether the proposal would compromise the future delivery of Suitable Alternative Natural Greenspace (SANGs) under the South East Devon European Sites Mitigation Strategy; advised that with public access, the site could form a key green open space link between Ludwell Valley Park, existing and potential future residential development.

*Response to September 2022 Reconsultation on Additional Ecological Information*

Stated that they had no additional comments to make.

**RSPB:**

*Original Response to the Application*

Raised serious concerns, including:

- The proposal does not comply with local or national planning policy.
- It risks adverse impacts on biodiversity and greenspace.
- It does not provide sufficient ecological information.
- It could set a precedent for further built development.
- It has potential for adverse impacts on the biodiversity and public use of the adjacent parts of Ludwell Valley Park.
- The best way for the site to benefit biodiversity, landscape and people is for it to remain in agricultural use and be managed to enhance its habitats for biodiversity.
- The bird bunting surveys did not follow RSPB's recommended methodology.
- The bat surveys did not accord with standards by the Bat Conservation Trust.
- There is insufficient information on lighting, which would impact bats and other light sensitive species.
- It is unclear whether golf balls would pose a safety risk to users of Ludwell Valley Park.
- A LEMP should be provided before determination.

*Response to September 2022 Reconsultation on Additional Ecological Information*



Remains concerned:

- Disappointed cirl bunting surveys did not fully accord with RSPB guidance, however we have no separate information cirl buntings are present on the site.
- Do not think the proposals will result in increased habitat opportunities for cirl buntings.
- Welcome removal of floodlighting.
- Recommend artificial lighting is not permitted at the car park or building.
- Operation hours should fall within daylight hours.
- A detailed habitat management plan should be conditioned to supplement the submitted LEMP.
- Snowberry should not be used around the parking area.
- Herbicides and fertilisers should be excluded in the ball striking zone with management of this area being cutting and removal of arisings.
- Recommend a s106 legal agreement to secure ongoing monitoring and habitat management of the site.
- Still very concerned the change of use will result in future proposals for further built development.

### **South West Water:**

#### *Original Response to the Application*

Provided a copy of a letter to the agent advising that SWW foul and surface water sewers run beneath the site and they should contact SWW to discuss whether the proposals will be affected by the apparatus and the best way of dealing with any issues.

#### *Response to June 2022 Reconsultation on Landscape & Ecology Plans*

Commented that surface water sewers only convey domestic surface water drainage and it is not permitted to connect land drainage to public sewers.

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

#### *Original Response to the Application*

No objection subject to conditions (cycle parking, illumination, EV charging, low flight balls). Satisfied the development will not generate a level of car trips that would represent a severe impact on the local highway network (based on 30 space car park). The vehicular access design is acceptable and of sufficient width to allow a vehicle and pedestrian/cycle to pass. Waste bins may need to be taken to the private

road, as there is limited space for a refuse vehicle to turn in the car park. Satisfied a fire appliance will be able to access the site. The level of car parking is suitable, but 20% should be EV charging. No cycle parking is shown and should be provided in a secure, covered and well-lit location. There have been no collisions at the Topsham Road/private road junction recorded over the most recently available 5-year period. The floodlighting should not exceed the level of illuminance in the Lighting Design Report to protect drivers on Rydon Lane. Only reduced flight balls must be used to avoid ball barriers next to Rydon Lane. If 10 staff or more are employed, a travel plan/pack is required.

*Response to June 2022 Reconsultation on Landscape & Ecology Plans*

There are limited impacts to the highway element of the planning application, therefore no objection and the previous comments still apply.

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

*Original Response to the Application*

No in-principle objection, but drainage information required.

*Response to June 2022 Reconsultation on Landscape & Ecology Plans*

Surface water will need to be managed from the building / parking area. Surface water should also be managed within the field. The surface water flooding maps suggest a flow path through the centre of the site (following the topography). The applicant could form a shallow bund along the southern boundary of the site to capture these flows.

*Response to December 2022 Reconsultation on Drainage Information*

The applicant should provide correspondence from South West Water to confirm that they will accept flows into their surface water drainage system at the proposed rate. The applicant must confirm how surface water within the car park shall be managed.

**Local Plans Team:** Saved Policies L1 and LS1 of the Local Plan First Review apply. Policy CP16 of the Core Strategy applies.

Re saved Policy L12, a view will need to be taken on whether the proposals harm existing or potential opportunities for informal recreation in Ludwell Valley Park.

Re saved Policy LS1, change of use to golf driving range could be considered to meet the land use criteria being a recreation use. A view will need to be taken on

whether the built development associated with the use would maintain the local distinctiveness and character of the area. Consideration of this policy can only be afforded limited weight, as it is based on outdated information and superseded national policy.

Re Policy CP16, a view will need to be taken on whether the proposals have a negative impact on the character and local distinctiveness of the area.

Policy DD29 of the Development Delivery DPD maintains some limited weight. It permits development in landscape setting areas where there is no harm to the distinctive characteristics and special qualities of the landscape setting of the City and the wider area and where it does not contribute to the urbanisation of these areas. A view will need to be taken on whether the proposals meet these criteria.

The Riverside & Ludwell Valley Parks Masterplan (2016) is a material consideration. The site lies within the Ludwell character zone. This is characterised as natural green space with long views out to the estuary and an area where traditional mixed farming predominates, a strong sense of place exists and an overriding affinity with farmland, rolling fields and hedgerows. It is described as “Little Devon”. The strategy/proposals map includes the retention of the application site as an open field.

### **Environmental Health:**

#### *Original Response to the Application*

A Noise Impact Assessment should be provided, including assessment of noise of golf balls being hit. The development could have a negative impact on local amenity as a result of obtrusive light from external lighting, including floodlighting. An assessment is required to determine whether light impacts will be adequately controlled. If this information is satisfactorily received, recommend approval with conditions (construction hours, lighting, noise).

#### *Response to June 2022 Reconsultation on Landscape & Ecology Plans*

Advised their comments remained the same.

#### *Response to September 2022 Reconsultation on Additional Ecological Information*

Initially advised no change to their original comments. Subsequently commented that if there is no floodlighting, they're happy not to comment on lighting. They are happy to condition a Noise Impact Assessment, as they consider it's not the loudest of uses.

**Principal Officer – Urban Design and Landscape:** Stated they had no substantial comments and the mitigating landscape proposals looked good. The layout is appropriate and planting specification well-suited. If the management notes on the (LEMP) drawing are followed then the increase in biodiversity that is hoped for should certainly be expected.

**Principal Officer – Heritage:** The site has the potential to contain locally or regionally significant archaeological remains from multiple periods, this potential does not preclude development but should however be mitigated by the requirement of a programme of archaeological works. A proportionate approach would be the implementation of a SMS (Strip, Map, Sample) of the footprint of the structure prior to commencement. In this way any impacts would be identified and mitigated by adhering to the principle of preservation by record. These works can be secured by the inclusion of the standard archaeological condition.

**Principal Officer – Ecology and Biodiversity:** Stated they were satisfied that the potential ecological impacts have been addressed with regards to light sensitive bats, cirl bunting, dormice and Ludwell Valley Park/ County Wildlife Site through the habitat enhancements proposed and the confirmed removal of the floodlighting. Requested the following changes to the Biodiversity Net Gain calculation, as there were several errors and some of the habitats proposed were unrealistic:

- Modified Grassland has been reduced to poor condition from moderate as per the original BNG back in 2021, so it should be switched back unless justified.
- Lowland deciduous woodland is proposed which is very high distinctiveness and unrealistic. It also penalises the score significantly. I'd suggest one of the moderate woodland types in moderate condition (mixed or other deciduous)
- Lowland meadow is high distinctiveness, unrealistic and penalises the score significantly. I'd suggest all as other neutral in moderate for the annual and biannual cut areas.
- The habitats lost and those created is not balanced. About 1.46 ha is missing. I presume this is the ball striking area? If so, it should go into the habitats created. I can't see how it's actually being created, but I'd suggest modified poor as it will be cut regularly and this is more precautionary considering they will want a pretty good surface (unless being enhanced in some way e.g. short meadow type seed mix?).
- There is no baseline for hedges inputted, which is why there is a 100% net gain, which is wrong.

These were carried out and the calculation updated. Stated they were satisfied with the Biodiversity Net Gain score of 36.71% for habitats and 8.96% for hedges as they demonstrate a measurable net gain. Noted that 10% net gain is not yet a statutory requirement. Recommended conditions (LEMP, Lighting Design Strategy, CEMP).

The score comes out positive as 36.71% for habitats and 8.96% for hedges.

**Tree Manager:** No arboriculture objections. Recommends a condition for tree/hedge protection during construction.

**Devon Wildlife Trust:**

*Original Response to the Application*

**Objects** – insufficient evidence on biodiversity:

- Indirect impacts on adjacent Ludwell Valley Park County Wildlife Site, such as light spill or noise disturbance, should be given detailed consideration.
- The bat survey does not meet the required standard – a survey during spring required. The curlew survey does not meet the required standard.
- Detailed mitigation and enhancement measures which have been incorporated into the scheme design must be provided.
- A lighting strategy/assessment has not been provided.
- The Biodiversity Net Gain calculations are based on a 'precautionary approach', but they must be based on a detailed landscaping plan and must show a minimum gain of 10%, although DWT recommends a 20% net gain for all development.

*Response to June 2022 Reconsultation on Landscape & Ecology Plans*

**Objects** – the proposed planting scheme appears broadly satisfactory, however we would like to see an extension to the width of the planting along the north and north-eastern boundaries. Welcomed label on the Landscape & Ecological Mitigation Plan stating 'The application does not include lighting of the ball strike area', but no reference is made to the lighting within the remainder of the site and the lighting plan is still included within the application. This is insufficient to address point 4 of previous comments. No additional information to address points 1, 2 and 5 of previous comments.

*Response to September 2022 Reconsultation on Additional Ecological Information*

Stated they had no further comments. Subsequently stated their role does not extend to determining when revisions have satisfied their objections and they do not remove or retract responses or decide if they have been dealt with. The Local Planning Authority will decide if and when comments or objections have been dealt with satisfactorily. The previous objections stand as a matter of record.

## **Southbrook Community Association:**

### *Original Response to the Application*

**Objects** – Stated there are two aspects to consider before making comment: the impact on residents on the Southbrook Estate, and the impact on Ludwell Valley Park and wildlife. A concern of residents is the change of use may alter the site from 'greenfield' to 'brownfield' and be more vulnerable to housing development – our view is the views of the 2018 appeal Inspector would still hold sway. Some residents consider the proposal will not significantly affect wildlife or LVP, while others consider it should either remain in agricultural use or be integrated into the park. The site is a vital part of the wildlife corridor between LVP and the Riverside Country Park. We support the Devon Wildlife Trust's objection. Pleased road access will not be via Tollards Road. Relieved by the absence of netting and would object to its installation in future. The impact on many residents on the estate will be minimal, but residents of the upper section of Tollards Road could be greatly affected. Objections relating to lighting of the field are covered by the DWT response. Lighting around the building and car park must be unobtrusive. Noise will be generated by grass cutting and ball retrieval. We consider the operating times of the existing facility should be adhered to at weekends, especially in winter to reduce light and noise pollution. Mowing and ball collection should not take place before 9am. Concerned with unsightly cladding on the building; should be wood to blend in with surroundings. Pleased to see requirement for landscaping with tree planting and managing boundaries. Tree planting behind the properties on Tollards Road would not be welcomed, due to the impact on views.

### *Response to June 2022 Reconsultation on Landscape & Ecology Plans*

Our policy is to support Devon Wildlife Trust and their objections have not been satisfied, although the removal of lighting of the driving area will have a very positive effect. Concerned a retrospective application for lighting or netting may follow. Agree it threatens the Riverside and Valley Parks Masterplan, which shows the field as part of Ludwell Valley Park. Many residents concerned the scheme will open door for housing development, while others hold the opposite view. Consider much of the landscaping/planting would have a positive effect. With the removal of lighting, very few residents are likely to be visually affected. A concern is no mention of what lighting is proposed around the driving bays and car park and the duration of use. 24-hour security lighting would be opposed. Ground lighting at the car park should be considered. The change in the position of the car park and planting of a hedge and trees to mask this and the building are noted. The building should be left in wood finish without cladding. Views from the estate or LVP will not be vastly affected, as only a small part of the site will be built on. The unsightly bright distance markers used at the existing facility should not be used. Concerned a 'Short Course' could be added later. The small woodland in the corner by Wendover Way looks good, but the existing pine trees should be removed as they are too tall and encroaching on the

first house. Scrub, brambles and nettles behind properties in Tollards Road should be removed. Residents should be pre-warned if weed killer is used. The committee represents residents of over 350 houses on the estate. Some strongly oppose the plan whilst many others are concerned the field should not be used for housing.

## **11.0 Representations**

There were 344 objections and 72 letters of support. These can be viewed in full on the Council's website. The issues raised in the objections included:

- Noise nuisance to local residents and Valley Park
- View of green field will deteriorate
- Light pollution... should be limited to daylight hours only
- Loss of habitat
- Impact on skyline/view
- Additional traffic
- Loss of green space for pet walking/impact on mental health
- Land may be sold for housing if driving range goes ahead
- Disruption to wildlife in and around Ludwell Valley
- Ruse to build houses
- Public will no longer be able to access
- Does not benefit local community
- Topsham Road becomes gridlocked
- Safety of pedestrians (including InFocus) would be compromised by traffic
- Impact on wildlife corridors
- Building does not fit in with ethos of Ludwell Valley Park
- Extra traffic... increased pollution affecting air quality
- Impact on estuary view
- Intrusion into countryside
- Farmland should be protected
- Field should be donated to LVP
- Reduced privacy
- Impact of noise on adjoining school
- Visual pollution, e.g. coloured markers
- Contamination of soil and groundwater
- Additional pressure on water supply
- No archaeological survey
- No sustainability proposal
- Need local open space for well-being
- No transport assessment of ingress/egress of traffic onto Topsham Road
- Will adversely affect character and appearance of park and surrounding area
- Mar beauty of field
- Limited economic benefits
- Erode setting of Green Circle
- Increased risk of criminal activity

- Lighting around building and car park
- Cladding on building is unsightly and should be excluded
- Field is sanctuary for wildlife as not open to human/canine traffic
- Could Council purchase land?
- Commercial development will detract from beauty and tranquillity
- Contrary to Policy LS1
- Security fencing will be unsightly
- Counter to ECC parks and green spaces strategy
- Land is ancient meadow
- Building run off must be carefully managed to avoid flooding
- Noise pollution of golf balls being hit – impact on home working
- Risk of golf balls damaging property
- Contravenes climate change agenda
- Will harm views from LVP to north
- Ecological Appraisal lacks detail and not up-to-date
- SWW sewers run beneath the site and would be in vicinity of driving range and facilities
- SWW does not permit land drainage to public sewers
- Installation of drainage system will cause disruption and noise
- Plans do not include the colour of building cladding
- No details of height of security fencing along Rydon Lane
- Security concerns
- Unnecessary to widen entrance
- Impact on protected species
- Netting will be required
- An unexploded ordinance investigation should be carried out

The issue raised in the letters of support included:

- Driving range better option than houses
- Current site severely constrained by adjoining properties – potential damage
- Proposed new site much larger and more appropriate
- Oriented away from residential properties negating need for protective fencing
- Retains openness of site
- Compatible with policy aim of supporting recreation within the valley parks
- Habitat creation will enhance biodiversity
- Good use of land
- Will not detract from Ludwell Valley or spoil views of the estuary
- Existing driving range being encroached by housing – not fit for purpose
- Larger site will not require netting and will be safer
- Site does not have public access, it is private land
- Traffic will be light
- Physical and mental health benefit to players
- Site underused



- Improved sporting facility
- Existing site better for housing
- Proposed site is large – ideal use on land not suitable for housing
- Closer to Golf and Country Club than existing facility
- Is a quiet use
- Site will be preserved as green space
- Minimal impact on residents
- Range is important amenity for club and helps player development
- Will complement natural appearance of area
- EGCC is an important leisure facility for the city
- Will not impact on Ludwell Valley
- Will be suitable for all ages
- Building would not be prominent
- Noise will be minimal
- Retention of jobs
- Good access
- Balls will be hit away from houses
- Will protect site from further housing development

## **12.0 Relevant policies**

### National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2021) – in particular sections:

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 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):

Climate change  
 Design: process and tools  
 Flood risk and coastal change  
 Light pollution  
 Natural environment  
 Noise

Open space, sports and recreation facilities  
Travel Plans, Transport Assessment and Statements  
Use of planning conditions  
Water supply, wastewater and water quality

National Design Guide (MHCLG, 2021)

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

Protected sites and areas: how to review planning applications (DEFRA and Natural England, 5 August 2016)

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

### Development Plan

Core Strategy (Adopted 21 February 2012)

CP10 – Meeting Community Needs  
CP11 – Pollution  
CP12 – Flood Risk  
CP15 – Sustainable Construction  
CP16 – Green Infrastructure, Landscape and Biodiversity  
CP17 – Design and Local Distinctiveness

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

AP1 – Design and Location of Development  
L1 – Valley Parks  
T1 – Hierarchy of Modes  
T2 – Accessibility Criteria  
T3 – Encouraging Use of Sustainable Modes  
LS1 – Landscape Setting  
LS4 – Nature Conservation  
EN2 – Contaminated Land  
EN3 – Air and Water Quality  
EN4 – Flood Risk  
EN5 – Noise  
DG1 – Objectives of Urban Design  
DG7 – Crime Prevention and Safety

## Other Material Considerations

### The Exeter Plan – Outline Draft Plan (September 2022)

- S1 – Spatial Strategy
- CE1 – Net Zero Exeter
- CE3 – Flood Risk
- STC2 – Active and Sustainable Travel in New Developments
- NE1 – Landscape Setting Areas
- NE2 – Valley Parks
- NE3 – Biodiversity
- NE4 – Green Infrastructure
- D1 – Design Principles
- IC2 – Community Facilities

### Exeter City Council Supplementary Planning Documents:

- Sustainable Transport SPD (March 2013)
- Trees and Development SPD (Sept 2009)

- Riverside and Ludwell Valley Parks Masterplan 2016 - 2026
- Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)
- Green Infrastructure Study (April 2009)
- Green Infrastructure Strategy – Phase II (December 2009)
- Exeter Landscape Sensitivity Assessment (August 2022)
- Exeter Fringes Landscape Sensitivity and Capacity Study (February 2007)

## **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 there may be some noise impact (this can be mitigated by conditions). 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 an improved recreational facility, job retention/creation and biodiversity enhancement.

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) remove or minimise 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 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 or 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

Job creation during construction

#### Non material considerations

The adopted CIL charging schedule applies a levy on certain proposals that create additional new floor space over and above what is already on a site. This proposal is not CIL liable.

The proposal will generate business rates.

### **16.0 Planning assessment**

The key issues are:

1. The Principle of the Proposed Development
2. Access and Impact on Local Highways
3. Parking
4. Design, Landscape and Heritage
5. Noise
6. Impact on Trees and Biodiversity
7. Flood Risk and Surface Water Management
8. Sustainable Construction and Energy Conservation
9. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

#### 1. The Principle of the Proposed Development

The site is designated as Valley Park. The relevant local planning policy context is as follows: Objective 8 of the Core Strategy is to 'Protect and enhance the city's unique historic character and townscape, its archaeological heritage, its natural setting that is provided by the valley parks and the hills to the north and west, and its biodiversity and geological assets.' Paragraph 10.37 of the Core Strategy refers to the

'Landscape Setting' areas and states, 'They are complimented by seven designated Valley Parks that provide 'green lungs' within the city, make an important contribution to biodiversity, provide formal and casual recreation opportunities, and are readily accessible by foot or cycle.' Policy CP16 protects the character and local distinctiveness of the Valley Parks and states that 'proposals for landscape, recreation, biodiversity and educational enhancement [will be] brought forward, in accordance with guidance in the Green Infrastructure Strategy, through the Development Management DPD.' (NB. The Development Management DPD is no longer being progressed, as it has been replaced by the Exeter Plan.) Saved Policy L1 states 'Measures to enhance the valley parks will be implemented based upon achieving a balance between the aims of conservation, recreation, public access and environmental education. Development which would harm existing or potential opportunities for informal recreation in the valley parks will not be permitted.'

Paragraph 219 of the NPPF states that due weight should be given to policies adopted before the NPPF was published according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). In addition, Paragraph 12 of the National Planning Practice Guidance on 'Determining a planning application' states that 'Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.'

Saved Policy LS1 protects the landscape setting of the city. It applies to areas of open space in and around the city, including the valley parks. It restricts development to certain purposes (including outdoor recreation) and it must maintain local distinctiveness and character. While the proposal is for an outdoor recreation use and therefore in conformity in land use terms with this policy, it has nevertheless been determined through various appeals that only limited weight can be applied to it, as it is deemed to be out of date in terms of its consistency with the NPPF and been superseded by Policy CP16.

Full weight can be applied to Policy CP16 and saved Policy L1 however. This was the view of the Inspector for the most recent appeal for housing on the site (ref. 17/0121/OUT) and while the NPPF has been updated since the appeal was determined, the national policy regarding the protection and enhancement of 'valued landscapes', which the Inspector considered this site to be, has not changed significantly. For the avoidance of doubt, the site is still considered to be a valued landscape with reference to paragraph 174 of the NPPF (2021).

With reference to Policy CP16, it is considered that the proposed development is acceptable: The majority of the site will remain as open space with a rural appearance. There will be no floodlighting, netting, flags or other golfing paraphernalia. The only physical development will take place on a relatively small

part of the site in the southwest corner, which is the lower part of the site near to existing built development, so it will not have a significant impact on the character/local distinctiveness of the Valley Park and it has been designed to fit into this character through its use of materials, such as timber cladding and grasscrete. It should also be noted that while the prior approval of the Council would still need to be given over the issues of siting, design and external appearance, the 'permitted development rights' would allow an agricultural building to be built on the site of up to 1,000 sq m ground area, which is considerably larger than the proposed building with a footprint of 251 sq m.

In terms of land use, while the facility will not be open to the general public, the proposal will provide a form of recreation with biodiversity enhancement, which Policy CP16 states will be brought forward in the protected areas, in accordance with guidance in the Green Infrastructure Strategy. The proposal therefore accords with this aspect of Policy CP16 and, as stated above, the background text to the policy confirms that the valley parks provide formal as well as casual recreation opportunities – the proposal would be a formal recreation use. The Newcourt Area Framework Plan in the Green Infrastructure Strategy – Phase II shows the site as Valley Park. One of the aims for this area is to provide multi-functional green spaces that promote health, well-being and a sustainable lifestyle. It is considered that the proposal will turn the field into a multi-functional green space by allowing access for formal recreation and by enhancing its biodiversity through the landscaping proposals.

Turning to saved Policy L1, it is considered that the first part of the policy stating, 'Measures to enhance the valley parks will be implemented based upon achieving a balance between the aims of conservation, recreation, public access and environmental education' is generally consistent with Policy CP16 and has been addressed by the preceding discussion. The second part of the policy states 'Development which would harm existing or potential opportunities for informal recreation in the valley parks will not be permitted.' This part of the policy is not consistent with Policy CP16, however it is considered that the proposal will not harm informal recreation opportunities in the publicly accessible part of Ludwell Valley Park to the north because the site will on the whole remain open and green, therefore the setting of the Valley Park contributing to people's enjoyment of it will not be adversely affected. In terms of potential opportunities for informal recreation on the site itself, again while this is not covered by Policy CP16 and the onus must be on this policy as the last policy adopted, there is no evidence to suggest that the current owners would be prepared to allow public access should the proposed development not go ahead. In terms of allowing public access alongside the proposals, officers have been informed this will not be possible due to safety risks. This means that the informal footpath through the site shown on Ordnance Survey and aerial mapping will not be reinstated, although Members should remember there is no formal right of way here and there is already formal access to the park via Wendover Way northwest of the site.

The Riverside & Ludwell Valley Parks Masterplan 2016 – 2026 is a material consideration. There are no proposals for the site shown on the Ludwell Proposals Map (Figure 109). One of the key project descriptions suggests the Council could purchase the private land within the Valley Park to secure public access, however there is no evidence this will happen for the site. The document includes a character area appraisal for Ludwell. This is summarised in section 5.0 of this report. For the reasons discussed above, it is considered that the proposed development will not conflict with this character to such a degree that it would justify refusal of the application in accordance with Policy CP16. It should be noted that the Council's Urban Design & Landscape Officer has raised no objections.

In conclusion, the proposed development is considered to accord with Policy CP16 and saved Policy LS1 (in so far as it carries weight), taking into account the Riverside & Ludwell Valley Parks Masterplan. It is considered that the character and local distinctiveness of Ludwell Valley Park will not be harmed by the proposed development to such a degree that it would justify refusal of the application. The main reason for this is the majority of the site will remain as green open space. In addition, with reference to saved Policy L1, it is considered that the proposed development will not harm informal recreation opportunities within Ludwell Valley Park to the north, as the setting of the park will not be adversely affected by the proposed development. Furthermore, there is no evidence to suggest that the proposal will harm potential opportunities for informal recreation, as there is no public access to the site at present or indication this is likely in future. Notwithstanding, this part of saved Policy L1 is not consistent with Policy CP16, which takes precedence as the more recent policy adopted.

## 2. Access and Impact on Local Highways

Access to the site will be via the existing private road providing access to InFocus, which connects to Topsham Road to the south. The Local Highway Authority has raised no objections given the development will generate a relatively low number of vehicular trips, which will not have a severe impact on local roads. The access is also considered safe for all users. Conditions are recommended to secure cycle parking, the level of illumination of floodlighting, EV charging units and use of low flight balls only. As floodlighting has been removed from the application, this condition is no longer necessary. It's debatable whether users of the facility will cycle when carrying golf clubs, but a condition securing some cycle parking for staff or users who might not have equipment is considered justified to encourage sustainable travel. A condition for EV charging units is supported by NPPF 112e) and therefore justified. Officers have been informed that only reduced flight balls will be used at the facility and a condition securing this is considered justified in the interests of highway safety, although its necessity is debatable given the much larger size of the site compared to the existing facility.



### 3. Parking

The Sustainable Transport SPD sets indicative car parking standards. The indicative standard for leisure uses is 1 space per 22 sq m. This means around 11 car parking spaces should be provided. The standards also require a minimum of 3 bays for disabled users. The site layout plan shows the car park with 26 spaces, but does not show any disabled spaces, therefore a condition is required to ensure these are provided in accordance with the SPD. This will reduce the overall number of spaces, as will provision of an outdoor cycle shelter in the car park (see '2' above). Therefore, the total number of car parking spaces is likely to be around 20. This is similar to the existing facility and considered acceptable, so overspill parking on local roads will not occur.

### 4. Design, Landscape and Heritage

The new building will have a shed like appearance. It will be constructed partly in timber and partly in composite cladding (colour to be confirmed). At least one objector has stated a preference for the building to be constructed from timber only to fit into the character of Ludwell Valley Park better. This is a subjective issue and the Urban Design and Landscape Officer has raised no concerns in this regard. Agricultural buildings are often constructed from materials other than timber. The important thing is they should have a dark, muted colour so they do not stand out in the landscape. Therefore the design of the building is considered acceptable, subject to a condition to confirm the specification and colour of the materials.

Following an on-site meeting with Devon Wildlife Trust, the applicant submitted a Landscape & Ecological Mitigation Plan including Planting Plan and a Landscape & Ecological Management Plan (LEMP) in May 2022. These were submitted to address comments made by Devon Wildlife Trust and others to show a commitment to undertake biodiversity improvements on-site and to base the Biodiversity Net Gain calculation on. The plans were subsequently revised following further consultee comments. Ecology issues are addressed below, but in purely landscape terms the proposals are considered acceptable. The Urban Design and Landscape Officer stated that the layout is appropriate and the planting specification well-suited.

A security fence is indicated on the plans behind the trees along the Rydon Lane boundary. Detailed drawings of this have not been provided and should be conditioned to ensure the design of this feature is acceptable for the landscape setting.

The proposal will not affect the setting of any heritage assets. The Council's Heritage Officer has recommended the standard archaeological condition, due to the potential for the site to contain locally or regionally significant archaeological remains.

## 5. Noise

Environmental Health initially requested a Noise Impact Assessment, including an assessment of the noise of golf balls being struck, however later agreed to deal with this issue by condition as the proposal is not, in their words, “the loudest of uses”. A condition in this regard is considered appropriate and to comply with the ‘tests’ for conditions (NPPF 56).

## 6. Impact on Trees and Biodiversity

There are no protected trees on or around the site and the proposed building works will not affect any trees, although the Tree Manager has recommended a condition for a scheme to protect trees and hedges during construction. In terms of impact on biodiversity, the RSPB and Devon Wildlife Trust raised objections to the application when first submitted in early 2022. This was primarily due to a lack of information and certainty over the impacts of the development on biodiversity and the proposals for mitigation and enhancement of biodiversity. As discussed above, the applicant submitted landscaping proposals and a LEMP in May 2022. They also removed floodlighting from the scheme to ensure no harm to bats. Additional ecological information was submitted in September 2022, including further survey information for curlew buntings, as the site is within a curlew bunting consultation zone. This concluded that there are no curlew buntings using the site.

The Council’s Ecology and Biodiversity Officer was satisfied that the potential impacts had been addressed through the proposed habitat enhancements and removal of floodlighting. There will be a Biodiversity Net Gain of 36.71% for habitats and 8.96% for hedges. The former exceeds the future statutory requirement to provide a 10% net gain and the latter was considered reasonable by the Ecology and Biodiversity Officer given the enhancements include the creation of a linear woodland of 1.3 ha. The following conditions were recommended: a condition to ensure the submitted LEMP is implemented; a condition to secure details of any lighting for the building or car park to ensure it is bat friendly; and a condition for an ecologist to check the site before construction works begin to ensure no other protected species have started using it and a Construction and Environmental Management Plan (CEMP) to ensure building works will not harm protected species or the environment. These conditions are considered acceptable, although have been simplified given the relatively small extent of the building works.

With reference to The Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.

## 7. Flood Risk and Surface Water Management

Saved Policy EN4 does not permit development if it would be at risk of flooding. The site is within Flood Zone 1 and the proposed development is partly classified as 'less vulnerable' (building and car park) and 'water-compatible' (outdoor sports/recreation area) (see PPG). 'Less vulnerable' and 'water compatible' developments are acceptable in Flood Zone 1, therefore the proposal accords with saved Policy EN4.

Policy CP12 requires all development proposals to mitigate against flood risk utilising SuDS where feasible and practical. The application form stated surface water would drain to the main sewer, however a revised drainage scheme was submitted in December 2022 proposing an attenuation basin south of the building, which will store water before discharging to the mains at a controlled rate. The Lead Local Flood Authority (DCC) raised no objection to this SuDS system, although requested correspondence from South West Water confirming they will accept flows to their system and sought confirmation on how the car park will drain. Subsequently they asked if the basin could be sized to take flows from the car park if the grasscrete doesn't perform well. The applicant's response is awaited and an update will be provided on the Additional Information Update Sheet.

## 8. Sustainable Construction and Energy Conservation

The proposed development does not meet the thresholds for connection to a Decentralised Energy Network (Policy CP13).

Policy CP15 requires development proposals to demonstrate how sustainable design and construction methods will be incorporated. No information has been provided with regard to energy or water efficiency matters. To address this a condition should be added to require details before construction begins.

Policy W4 of the Devon Waste Plan requires planning applications for major development to include a Waste Audit Statement. The proposal is a major development because the site area is over 1 ha, as opposed to the size of the building and it's considered unlikely it will generate large volumes of waste; however, a condition should be added to secure a Waste Audit Statement before construction begins to comply with this policy.

## 9. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

Planning legislation requires determination of planning applications to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Core Strategy (2012) and the saved policies of the Local Plan First Review (2005). It is considered that the proposed

development accords with the development plan as a whole. The key policies are CP16, L1 and LS1. As per the discussion under '1' above, the proposal is considered to accord with Policies CP16 and L1, which carry full weight, and Policy LS1, although this policy carries limited weight. The Riverside & Ludwell Valley Parks Masterplan 2016 – 2026 is a material consideration and there is nothing in this document to indicate that planning permission should be refused contrary to the development plan. The NPPF (2021) is another material consideration. It protects and seeks to enhance 'valued landscapes' such as the site, commensurate with their identified quality in the development plan (174a)). It also encourages net gains for biodiversity (174d) and 180d)). As the majority of the site will remain as green open space with a rural appearance, the landscape quality of the site will not be adversely affected and the landscaping proposed resulting in biodiversity net gain will be a sustainability benefit that weighs in the scheme's favour.

Therefore, planning permission should be granted. This is supported by paragraph 11 of the NPPF, which applies a presumption in favour of sustainable development for decision-taking, meaning developments that accord with an up-to-date development plan should be approved without delay. Policies CP16 and L1 are the most important policies for determining the application. They were given full weight by the Inspector for the last appeal on the site in 2018 and are up-to-date.

## **17.0 Conclusion**

This application for a golf driving range for use by Exeter Golf and Country Club/Topsham Golf Academy within Ludwell Valley Park is considered to be acceptable as a formal recreation use, which will not have a significant impact on the character and local distinctiveness of the Valley Park. It therefore accords with Policies CP16 and saved Policies L1 and LS1, although the latter carries limited weight. The main reason for this is that the majority of the site will remain as green open space with a rural appearance, thus it will fit into the character of the park and will not harm the enjoyment of people using the publicly accessible parts of the park to the north. The new building and car park will be sited on the lower part of the site near to the site access and existing built development. The materials used will be suitable, subject to a condition controlling their colour to ensure they're relatively dark and muted to fit into the landscape surroundings. There will be no floodlighting, netting, flags or other golfing paraphernalia that would harm the character of the site and biodiversity; these are not shown on the plans and the applicant has confirmed they are not necessary. They would need to be subject of separate planning applications. The proposed landscaping on the site will enhance its biodiversity value. Environmental Health does not expect the proposed use to be particularly loud, but has recommended a condition for a Noise Impact Assessment to be submitted prior to commencement of construction works and the implementation of any mitigation that may be required to protect local amenity.

## **18.0 Recommendation**

GRANT permission with the following conditions:

### 1. Standard Time Limit – Full Planning Permission

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

**Reason:** To comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

### 2. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below:

- Location Plan (KGV\_EX\_1.0A)
- Proposed Site Layout (21.115-001 Rev PL-A)
- Plans and Elevations (21.115/002 Rev PL-A)
- Landscape + Ecological Mitigation Plan including Planting Plan (2211-01 Rev B)
- Landscape + Ecological Management Plan (2211--02 Rev B)

**Reason:** To ensure the development is constructed in accordance with the approved plans.

### 3. Construction Hours

No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8 am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

### ***Pre-commencement Details***

### 4. Archaeology

No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

#### 5. Noise

Prior to the commencement of development, a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures contained in the approved report shall be implemented in full and maintained thereafter.

**Reason:** In the interests of local amenity. This assessment is required pre-commencement as specified to ensure that any mitigation measures required are implemented as part of the construction works.

#### 6. Surface Water Drainage

TBC

#### 7. Sustainable Construction (Policy CP15)

Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of the measures that will be included in the building to optimise its energy and water efficiency. The measures shall be implemented as approved and maintained thereafter.

**Reason:** In the interests of sustainability in accordance with Policy CP15 of the Core Strategy. These details are required pre-commencement as specified to ensure the sustainability measures are accounted for in the detailed design and construction of the building.

#### 8. Tree/Hedge Protection

Prior to the commencement of the development hereby approved, a scheme for the protection of trees and hedges on-site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with BS 5837:2012 and include a tree protection plan. The scheme shall be implemented as approved.

**Reason:** To protect the trees and hedges on site during construction works. The scheme is required pre-commencement as specified to ensure the protection measures are satisfactory before construction works begin.

## 9. Ecology

Prior to the commencement of the development, a letter by a suitably qualified ecologist shall be submitted to and approved in writing by the Local Planning Authority confirming the results of a survey of the site and the date this was carried out where the building and car park will be constructed, and avoidance/mitigation/compensation measures for any protected species that will be affected by the construction works. The measures shall be implemented as approved.

**Reason:** To ensure protected species will not be harmed by the construction works. The letter is required pre-commencement as specified to ensure that any mitigation measures necessary are agreed before construction works begin.

## 10. Waste Audit Statement

Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

**Reason:** To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

## ***Pre-Specific Works***

## 11. Materials

Prior to the construction of the building hereby approved (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

**Reason:** To ensure that the materials are appropriate for the landscape setting, in accordance with Policies CP16 and CP17 of the Core Strategy, and saved Policies LS1 and DG1 of the Exeter Local Plan First Review.

## 12. Security Fence

Prior to its installation, detailed drawings of the security fence indicated on drawing number 21.115-001 Rev PL-A ('Proposed Site Layout') along the Rydon Lane

boundary shall be submitted to and approved in writing by the Local Planning Authority. These shall include siting, elevations and foundations. The fence shall be implemented in accordance with the approved drawings.

**Reason:** To ensure the fence has an appropriate design for the landscape setting, in accordance with Policies CP16 and CP17 of the Core Strategy, and saved Policies LS1 and DG1 of the Exeter Local Plan First Review.

### ***Pre-Occupation***

#### **13. LEMP**

Prior to the occupation/first use of the facility hereby approved, a timetable for implementation of the landscaping and ecology work shown on drawing numbers 2211-01 Rev B ('Landscape + Ecological Mitigation Plan including Planting Plan') and 2211--02 Rev B ('Landscape + Ecological Management Plan') and details of the management regime shall be submitted to and approved in writing by the Local Planning Authority. The landscaping and ecology work shall be implemented and managed as approved.

**Reason:** To enhance biodiversity on the site in accordance with Policy CP16 of the Core Strategy and paragraphs 174 and 180 of the NPPF.

#### **14. Cycle Parking**

Prior to the occupation/first use of the facility hereby approved, cycle parking shall be provided on-site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be maintained at all times thereafter.

**Reason:** To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review, the Sustainable Transport SPD and paragraph 112 of the NPPF (2021).

#### **15. Disabled Parking Spaces**

Prior to the occupation/first use of the facility hereby approved, three disabled parking spaces shall be marked out in the car park in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The disabled spaces shall be retained for disabled parking thereafter.

**Reason:** In the interests of equality and to comply with the minimum car parking standards for disabled users in Table 4 of the Sustainable Transport SPD.



#### 16. EV Charging Points

Prior to the occupation/first use of the facility hereby approved, Electric Vehicle (EV) charging points shall be installed for two of the parking spaces in the car park in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The EV charging points shall be maintained thereafter.

**Reason:** In the interests of sustainability taking into account guidance in the Sustainable Transport SPD and paragraph 112e) of the NPPF (2021).

#### ***Post Occupancy***

#### 17. Opening Hours

The facility will open during daylight hours only and when daylight allows not outside the hours of 6:30am to 9.30pm on Mondays to Fridays and 7:00am to 8:00pm on Saturdays, Sundays and Bank Holidays.

**Reason:** To prevent the need for lighting in the interests of biodiversity and in the interests of local amenity.

#### 18. Security Lighting

No external security lighting shall be provided on the building or in the car park unless this is otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of protecting local amenity and biodiversity.

#### 19. Reduced Flight Golf Balls

Reduced/limited flight golf balls shall be used in the facility only and no other type of golf ball shall be used.

**Reason:** In the interest of highways safety.

#### Informatives

1. For the avoidance of doubt this permission does not approve any floodlighting or netting on the site, or flags or other golfing paraphernalia in the ball striking zone.
2. In accordance with the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.

3. In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.