

Planning Committee Report 24/1195/VOC

1.0 Application information

Number:	<u>24/1195/VOC</u>
Applicant Name:	Mr Andrew Robbins
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 (Variation of condition 2 of 21/1676/FUL to change the surface material of the car park from grasscrete or similar to recycled plastic cell gravel).
Site Address:	Land North East Of 371 Topsham Road Access To West Of England School Exeter
Registration Date:	11 October 2024
Link to Documentation:	https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=24/1195/VOC
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 26 November 2024.

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.

4.0 Table of key planning issues

Issue	Conclusion
The impact of the change on the character and local distinctiveness of Ludwell Valley Park	The proposal is considered acceptable, as it would not have a significant impact on the character and local distinctiveness of Ludwell Valley Park, taking into account the size of the car park and its positioning behind the building and soft landscaping.
Flood Risk and Surface Water Management	The proposed material is permeable, so will not increase surface water run-off and is therefore acceptable.

Issue	Conclusion
Noise	The proposal will make less noise than traditional, unbound gravel, as the recycled plastic grid base prevents the movement of the gravel to a large degree. Any audible noise generated is unlikely to have an adverse impact on residential amenity, taking into account the permitted opening hours of the facility and background noise levels. There have been no noise complaints with the proposed material at the existing facility.
Sustainable Construction and Energy Conservation	The proposed material uses recycled materials and is permeable making it SuDS compliant. No concrete is used unlike grasscrete.
Planning Balance	The proposal is considered to accord with the Development Plan and should be approved without delay in accordance with the presumption in favour of sustainable development.

5.0 Description of site

The site comprises a field northeast of InFocus, Topsham Road, which is a charity providing specialist services for young people with vision impairment and complex needs. In 2023, the field was granted planning permission (ref. [21/1676/FUL](#)) to change use to a golf driving range, including a building and car park in the southwest corner near to properties in Tollards Road. This development is under construction and nearing completion. The site is located within Ludwell Valley Park (saved Policy L1 and Policy CP16). It is also within the Landscape Setting area (saved Policy LS1 and Policy CP16). It 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 is proposed to remain as Valley Park in the Exeter Plan – Publication Plan: Regulation 19 (December 2024).

6.0 Description of development

The proposal is to change the surface material of the car park from 'grasscrete or similar', as specified on approved drawing 21.115-001 PL-A ('Proposed Site Layout'), to recycled plastic cell gravel.

7.0 Supporting information provided by applicant

- Statement in Support of Application to Vary Condition 2 of the Above Consent
- 3 no. images of grasscrete
- 1 no. images of gravel-cell surface at Castle Drogo (National Trust)
- 3 no. images of recycled plastic cell gravel
- Appendix 1 – Photographs of Gravel Driveways in Tollards Road

8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
21/1676/FUL	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 (Revised Plans).	PER	06.07.2023

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.

Lead Local Flood Authority (Devon County Council): No objections provided the proposed gravel car park is permeable.

Urban Design & Landscape Officer: No objection to the proposed change.

11.0 Representations

There were 5 objections (including one on behalf of Southbrook Community Association) and 4 supporting (including one from a Director of Exeter Golf and Country Club). These can be viewed in full on the Council's website.

The issues raised in the objections were:

- Gravel based car park will be excessively noisy
- Dispute claim recent weather is likely to have an adverse effect on grasscrete
 - should not produce mud or waterlogging
- Grasscrete is quieter
- Grasscrete aesthetically more pleasing to green landscape
- Grasscrete reduces urban heat island effect
- Grasscrete limits impact on local natural environment
- Grasscrete is more environmentally friendly

The issues raised in the supporting representations were:

- It continues to keep the area green for the benefit of wildlife
- Sensible change in light of weather conditions and will use recycled material providing an environmental benefit
- Grasscrete's surface is approximately half concrete, which becomes a heat store in hot weather baking the grass and drying out the soil, resulting in dead/damaged grass and concrete as the most visible material
- The concrete in grasscrete is not permeable, adding rainfall to the grass soil plugs and therefore increasing the risk of soil loss, saturation and standing water during extreme weather
- Ring bound gravel removes surface movement and transferred sound, and keeps surface even and un-rutted
- Vehicles will travel at low speeds required by the InFocus access road only during agreed daylight hours
- Fear of noisy gravel not well founded, especially taking into account background sound of traffic
- Houses are within 15 metres of unbound gravel car park at the existing driving range – no noise concerns were raised in granting planning permission for the housing

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
- 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
- Natural environment
- Noise
- Use of planning conditions

National Design Guide (MHCLG, 2021)

Development Plan

Core Strategy (Adopted 21 February 2012)

- 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
- LS1 – Landscape Setting
- LS4 – Nature Conservation
- EN4 – Flood Risk
- EN5 – Noise
- DG1 – Objectives of Urban Design
- DG7 – Crime Prevention and Safety

Other Material Considerations

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

- CC1 – Net zero Exeter (Strategic policy)

CC7 – Development that is adaptive and resilient to climate change
CC8 – Flood risk (Strategic policy)
NE1 – Landscape setting areas (Strategic policy)
NE2 – Valley Parks (Strategic policy)
NE3 – Biodiversity (Strategic policy)
D1 – Design principles (Strategic policy)
D2 – Designing-out crime
HW2 – Environmental quality, pollution and contaminated land

Riverside and Ludwell Valley Parks Masterplan 2016 - 2026
Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)
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.

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 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

This application is a section 73 application to vary condition 2 of planning permission 21/1676/FUL by changing the surface material of the car park from 'grasscrete or similar', as specified on approved drawing 21.115-001 PL-A ('Proposed Site Layout'), to recycled plastic cell gravel. **In accordance with section 73 of the Town and Country Planning Act 1990, only the conditions are a consideration in the determination of this application.**

The key issues are:

1. The impact of the change on the character and local distinctiveness of Ludwell Valley Park
2. Flood Risk and Surface Water Management
3. Noise
4. Sustainable Construction and Energy Conservation
5. Planning Balance

1. The impact of the change on the character and local distinctiveness of Ludwell Valley Park

The reason for this application is officers did not consider that the proposed recycled plastic cell gravel system was similar in appearance to grasscrete. It was initially proposed as part of the application to discharge condition 12 ('materials') (ref. [24/0409/DIS](#)), specifically Beauxfort's Gravelrings System, which the agent said the Golf Club considered looked 'classy'. However, this condition only dealt with the materials of the building. While discussing it, officers suggested using the alternative Beauxfort product in the submitted details, called Grassrings System. This appeared to be a more modern form of grasscrete, comprising a similar recycled plastic grid base to that used in the Gravelrings system upon which soil was laid, allowing grass to grow. As this has a similar appearance to grasscrete, it would not have required a new application.

The applicant's supporting statement states that a plastic gravel cell solution is currently used at the existing golf driving range off Exeter Road and was approved by the Council. It also states that the National Trust and English Heritage are increasingly using gravel-cell surfaces at their sites for appearance and climate change reasons. The argument is that this material should therefore be appropriate for this site and cannot be considered to be visually intrusive.

The site is located in Ludwell Valley Park making it a more sensitive location than the existing golf driving range. It is considered that the comparison with National Trust and English Heritage properties is not a good one: Whilst these sites commonly have

historic and landscape sensitivities, a gravel drive is often an aesthetically harmonious addition to the grandiose building or structure belonging or managed by these organisations. The context is considered to be different here, as the design rationale was to ensure that the new golf driving range would effectively blend in with the rural/farmed character of the Ludwell character zone of the Valley Park. Accordingly, the building is relatively small, located relatively discretely in the corner of the field and is made from timber cladding, giving it a barn-like appearance.

The visual sensitivity of the site is another consideration alongside landscape effects. The car park is positioned behind the building, which screens it to a large extent from the rest of the Valley Park. Soft landscaping will – when planted – screen the car park in views from residential properties in Tollards Road. There are therefore only likely to be glimpsed views of the car park, once the planting is fully established.

It should be noted that the Council's Urban Design and Landscape Officer has raised no objection to the proposal. The application does not specify the colour of the proposed gravel, although application 24/0409/DIS had specified 10/20mm decorative angular clean stone – Greystone. It's considered that darker coloured gravel would be more appropriate than light coloured gravel, as shown in some of the submitted images, given the rural character of Ludwell Valley Park.

Taking into account the low visibility of the site, the proposed change is considered to be acceptable. Whilst grasscrete was considered to be an appropriate material when the original application was determined, due to it taking the appearance of grass in long-distance views, and notwithstanding arguments over its sustainability credentials (see below), the proposed recycled plastic cell gravel material would not have a significant impact on the character and local distinctiveness of Ludwell Valley Park, given the size of the car park and its positioning. However, a new condition should be added requiring the colour of the gravel to be agreed with the Local Planning Authority and maintained.

2. Flood Risk and Surface Water Management

The Lead Local Flood Authority (Devon County Council) has raised no objection to the proposed change, provided the recycled plastic cell gravel material is permeable. The proposed material is permeable, so will not result in any increase in surface water run-off that could lead to localised flooding or drainage problems.

The applicant's supporting statement states that in contrast, grasscrete utilises over 50% concrete, which is impermeable and concentrates rainfall into the soil pockets. It is claimed that during storm events, which are becoming more frequent due to climate change, the soil pockets are likely to become water logged and result in soil transfer across the car park. Mud could in turn be transferred to highways via car tyres resulting in a highways safety risk.

3. Noise

The potential increase in noise of vehicles moving over the proposed recycled plastic cell gravel compared to grasscrete was an issue raised by all five objectors to the application. The applicant states that the recycled plastic grid base prevents the movement of the gravel and noise associated with this attributed to normal gravel driveways. The applicant states that this is evidenced by the lack of any noise complaints to this surface material being used at its existing facility.

The applicant also refers to the condition placed on the original planning permission restricting opening hours to daylight hours only, or when daylight allows, 9.30am to 9.30pm on Mondays to Fridays and 10.00am to 8.00pm on Saturdays, Sundays and Bank/Public Holidays.

It is considered unlikely than no noise will be audible from the car park in this regard, but that this is unlikely to be adverse enough to justify refusal of the application. This takes into account the opening hours of the facility and background noise levels at these times. The car park is also relatively small, so there are unlikely to be a high number of vehicle movements at any one time.

Therefore, the proposal is considered acceptable regarding noise impacts. It should be remembered that retail developments, such as supermarkets, have been granted planning permission adjacent to residential areas in the city and the noise associated with loading and unloading of delivery vehicles is not usually a reason for refusal, provided it is carried out within restricted hours.

4. Sustainable Construction and Energy Conservation

Policy CP15 states that proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated. The applicant refers to the concrete used in grasscrete as not a sustainable product, due to it being impermeable (see above) and retaining heat in hot weather damaging the surrounding soil. By comparison, recycled plastic cell gravel uses recycled materials and is permeable making it SuDS compliant.

5. Planning Balance

Determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. As discussed above, the proposal is not considered to have a significant impact on the character and local distinctiveness of Ludwell Valley Park. Therefore, the application accords with Policy CP16, and saved Policies L1 and LS1. Furthermore, it is considered that it will not give rise to any adverse environmental impacts, such as flood risk and noise. In conclusion, the proposal is considered to accord with the Development Plan and

should be approved without delay, in accordance with the presumption in favour of sustainable development in paragraph 11 of the NPPF (Dec 2023).

17.0 Conclusion

In accordance with section 73 of the Town and Country Planning Act 1990, only the conditions are a consideration in the determination of this application. The application seeks to vary condition 2 of planning permission 21/1676/FUL by changing the surface material of the car park from 'grasscrete or similar', as specified on approved drawing 21.115-001 PL-A ('Proposed Site Layout'), to recycled plastic cell gravel. In accordance with the officer assessment above, the proposal is considered to be acceptable and sustainable, subject to a condition requiring confirmation of the colour of the gravel before it is laid.

18.0 Recommendation

GRANT permission with the following conditions:

1. With the exception of condition 2, all conditions imposed on planning permission ref. 21/1676/FUL are imposed on this planning permission, unless they have previously been discharged in full by the Local Planning Authority. Where conditions have been discharged in part, the remaining part(s) of the condition will continue to apply to the development.

Reason: To ensure the conditions that continue to have effect on the development continue to be imposed on the development, as varied by this permission granted under section 73 of the Town and Country Planning Act 1990 (as amended), in the interests of sustainable development.

2. 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) ('grasscrete or similar' text changed to 'recycled plastic cell gravel')
- 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. Prior to the laying of the surface material of the car park, the colour and specification of the surface gravel shall be submitted to and approved in writing by the Local Planning Authority. The surface gravel shall be provided and maintained as approved.

Reason: To ensure that the surface material of the car park complements the character and local distinctiveness of Ludwell Valley Park, in accordance with Policies CP16 and CP17 of the Core Strategy, and saved Policies L1, LS1 and DG1 of the Local Plan First Review.