

# Planning Committee Report [22/1620/FUL)

## 1.0 Application information

Number: [22/1620/FUL](#)  
Applicant Name: Mr Mark Trout,  
Proposal: Redevelopment of an existing boat repair and maintenance storage shed with accommodation above.  
Site Address: The Boat House  
Ferry Road  
Topsham  
  
Registration Date: 24 November 2022  
Link to Documentation: <https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=22/1620/FUL>  
Case Officer: Zulema Nakata  
Ward Member(s): Joshua Ellis-Jones, Gemma Rolstone, Matthew Williams

REASON APPLICATION IS GOING TO COMMITTEE: The Head of City Development considers the application to be a significant, controversial and/or sensitive application that should be determined by the Planning Committee in accordance with the Exeter City Council constitution.

## 2.0 Summary of recommendation

APPROVE subject to conditions as set out in the report.

## 3.0 Reason for the recommendation:

The proposed redevelopment of the existing boatyard is a carefully considered scheme that balances the preservation of Topsham's historic maritime heritage with the need for sustainable modernisation. The site's use as a boatyard with residential accommodation above is long-established, and the proposal does not introduce a material change of use. Instead, it seeks to enhance the operational efficiency of the boatyard and improve its resilience to future demands while maintaining its heritage significance.

The scheme has been substantially amended in response to officer and public feedback, resulting in a design that is appropriate in scale and massing, respects the character of the Topsham Conservation Area, and mitigates potential impacts on the setting of nearby listed buildings. While the development will have some limited impacts on views and amenity, these are considered less than substantial and are outweighed by the public benefits, including the safeguarding of employment

opportunities, support for a valued local business, and the preservation of Topsham's unique historical identity.

Furthermore, the proposal includes robust mitigation measures to address ecological concerns, manage flood risk, and ensure sustainable drainage, meeting the requirements of both local and national policies. Subject to the recommended conditions, the development is compliant with the Core Strategy, Local Plan, and the National Planning Policy Framework.

On balance, the proposal represents a sustainable form of development that aligns with the Council's objectives for heritage conservation, economic vitality, and environmental sustainability.

#### 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The site's use as a boatyard with residential accommodation above is long-established, with the marine industry operating in this area for over 100 years. The proposal seeks to consolidate all existing on-site activities, including the boatyard, associated office, and chandlery (mariners' shop), ensuring the historic marine business is futureproofed. As no material change of use is proposed, the retention of both employment and residential uses is supported.
Scale and design	<p>This area predominantly features a mix of two- and three-storey buildings, with rooms in the roofspace, commercial on the ground floor and residential units above. The existing two-storey structure, having been cobbled together and patched over time, is now unfit for purpose.</p> <p>The proposal involves demolishing the existing building and replacing it with a two-and-a-half storey structure. The design has undergone several iterations to reduce the building's</p>

Issue	Conclusion
	<p>height and ensure the scheme is both fit for purpose and sensitive to the scale and character of the surrounding area.</p>
Impact on amenity	<p>Following amendments based on Officer advice, the proposal now consists of a two-and-a-half storey building with a dual-pitched roof, reduced in height from the initially proposed 3.5 to 4-storeys, and set back from the waterfront behind the building line of Quay Cottage. The design complies with the Nationally Described Space Standards for Gross Internal Area (GIA), and a shadow study demonstrates no undue harm to occupiers of neighbouring properties in terms of overshadowing compared to the existing structure. While the new building is 1.3m taller than the current ridge height and does not fully align with the Residential Design Guide SPD, its footprint and scale are broadly consistent with the existing structure, and evidence supports compliance with Local Plan Policy DG4 regarding overshadowing and overlooking.</p>
Impact on heritage assets	<p>Topsham Boatyard lies within the Topsham Conservation Area, adjacent to Grade II listed properties at 44–48 Fore Street and near the Grade II* listed St Margaret's Church. The proposal has been significantly scaled down and redesigned to achieve a balance between the exemplary design befitting the historic location and the practical functionality required for a boatyard, which officers find acceptable.</p>

Issue	Conclusion
Ecology	<p>The site, adjacent to the Exe Estuary, is located within a designated Landscape Setting and Valley Park, and forms part of the Ramsar European Special Protection Area and Site of Special Scientific Interest. The applicants have submitted an Ecological Impact Assessment and a Habitats Regulations Assessment (HRA), including screening for potential risks and an Appropriate Assessment (AA), which the City Council will adopt. The Environment Agency has endorsed the HRA and AA, requiring all mitigation measures outlined in the AA, along with a Construction Environmental Management Plan, to be implemented as conditions of approval.</p>
Highways	<p>The proposal aligns with the Sustainable Transport SPD, and the DCC Highways Officer has raised no objections, subject to conditions requiring a Construction Traffic Management Plan and measures to control surface water runoff.</p>
Flood risk	<p>The application site is within Flood Zone 3, indicating a high probability of flooding, with a history of tidal flooding along parts of Topsham's frontage, including this site. A flood risk assessment was submitted with the application, and while the Environment Agency raised no objection, it advised that the Local Authority consider the Sequential Test, with the potential application of the Exception Test, and proposed a condition regarding contamination. Officers consider the proposed building acceptable, as it would enhance safety for occupiers,</p>

Issue	Conclusion
	including commercial users who could access first-floor offices during floods, without increasing flood risk elsewhere.

## 5.0 Description of site

The site is an operational boatyard located in Topsham on the south side of Ferry Road, along the east bank of the River Exe. It abuts the river on its southern and western boundaries, featuring a pontoon extending into the water. To the east, it borders Quayside, a block of three flats, and Quay Cottage, a residential dwelling.

Covering 820 square metres (0.082 hectares), the site lies within the Topsham Conservation Area and is adjacent to the designated Topsham District Centre. The Exe Estuary, which encompasses the site, is a Ramsar Site, Special Protection Area, and Site of Special Scientific Interest, as well as part of a locally designated Landscape Setting and Valley Park.

Existing development includes a 210sqm boat maintenance workshop and storage facility on the ground floor, with a 65sqm one-bedroom accommodation above, situated on the far eastern portion of the site. The western portion remains open, typically used for storing boats and servicing equipment.

Opposite the site are the rear façades of Grade II Listed properties (44–48 Fore Street), housing various commercial businesses on their ground floors, within the designated Local Centre of Topsham. St Margaret's Church, a Grade II\* Listed building, is located to the northwest on elevated terrain, with its Grade II Listed retaining wall abutting Ferry Road below.

Topsham benefits from strong transport links, including a well-connected local road network and public transport. Topsham Railway Station, situated a 10-minute walk or a 3-minute bus journey northeast of the site, offers regular services to Exeter City Centre.

## 6.0 Description of development

The applicant proposes redeveloping the existing boat repair, maintenance, and storage shed into a mixed-use building. The ground floor will feature an enlarged workshop with double-height capacity to accommodate larger boats, along with ancillary offices and a chandlery (relocated from the co-owned barge moored at the pontoon) fronting the street. Above, a three-bedroom maisonette is planned, with private access from Ferry Road.

The proposed two-and-a-half storey building will include a dual-pitched roof, with a stepped design where the flat roof of the workshop extends towards the riverfront ahead of the pitched roof. The maisonette will occupy half the first floor and the entire roof space, with a balcony overlooking the river. This balcony will be set back and situated above a sectioned area of the flat roof, positioned atop the boat maintenance workshop. The redevelopment aims to support the sustainability and growth of the existing business while enhancing its operational capacity.

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

- Design and Access Statement, by Barton Willmore, now Stantec, and addendums by Marrons
- Planning Statement, by Barton Willmore, now Stantec
- Heritage and Archaeological Statement, by Barton Willmore, now Stantec
- Acoustic Assessment, by Ardent Consulting Engineers
- Flood Risk Assessment, by Ardent Consulting Engineers
- Ground Conditions Phase 1 Desk Study, by RSK Environment Limited

## **8.0 Relevant planning history**

None.

## **9.0 List of constraints**

- Topsham Conservation Area
- Grade II Listed properties, nos.44-48 Fore Street
- District Centre
- Grade II\* Listed St Margarets Church and wall
- Landscape Setting
- Ramsar European Special Protection Area
- Site of Special Scientific Interest
- Valley Park

## **10.0 Consultations**

All consultee responses can be viewed in full on the Council's website.

The Environment Agency raised no concerns regarding flood risk but recommended several conditions to address contamination and environmental protection:

- Submission of a comprehensive site investigation scheme to assess contamination risks.
- Provision of a detailed risk assessment and method statement for site remediation.
- Production of a verification report confirming the completion of remediation measures.
- Demonstration of measures to protect controlled waters, specifically the River Exe and estuary.

Additionally, it advised evaluating the Sequential and Exception Tests under the National Planning Policy Framework and recommended ongoing monitoring and maintenance of site conditions. The agency's recommendations emphasise thorough contamination investigation and robust flood risk management throughout the development's lifecycle.

Natural England – Raised no objection and stated *We consider that without appropriate mitigation the application would:*

- *Have an adverse effect on the integrity of the Exe Estuary Special Protection Area (SPA) and Ramsar, and damage or destroy the interest features for which the Exe Estuary Site of Special Scientific Interest (SSSI) has been notified.*

*We concur with the conclusions of the Appropriate Assessment that in order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured via an appropriate planning obligation and/or condition:*

- *Works are to proceed in strict accordance with all mitigation measures detailed in the HRA/AA and the documents submitted in support of this application.*

DCC Highways Officer – Raised no objections subject to a condition requiring a Construction Transport Management Plan

The ECC Environmental Health Officer (EHO) raised no objections, subject to a condition requiring a Construction Environmental Management Plan. They noted that the submitted report identified no significant risks from contaminated land but sought confirmation from the Environment Agency regarding risks to controlled waters.

Furthermore, the EHO required a post-completion condition to secure recommendations within the submitted Ardent Consulting Engineers Noise Assessment Report (2201670-02 November 2022) to be implemented in full.

Following the EA's agreement and recommendation of a contaminated land condition, the EHO concurred and had no further comments.

The ECC Principal Heritage Officer raised no objections following the revisions to the original scheme. They considered that their initial concerns had been addressed:

- The revised scale and massing now align more closely with the local characteristic of buildings stepping up from the riverside to the townscape.
- Adjustments to the first-floor residential element above the boat workshop have mitigated earlier concerns regarding its necessity versus desirability.
- The revised design reduces obstruction of river views, lessening harm to the conservation area and the setting of listed buildings.
- While the initial harm was considered "less than substantial," the revisions satisfactorily address these issues, resolving earlier concerns.

The Heritage Officer concluded that the scheme is now acceptable in heritage terms.

The ECC Principal Urban Design and Landscape Officer raised no objections following significant revisions to the scheme, subject to a condition requiring submission of material samples for approval. The Officer provided the following observations:

1. The proposal for an enlarged boatyard workshop, office accommodation, shop/chandlery, and a large duplex apartment creating a 2.5/3-storey building is located in the Topsham Conservation Area. The site occupies a key position, with the development forming a significant component of the waterfront townscape and the town's broader visual presentation, including views from the estuary and popular walking and cycling routes.
2. The Officer acknowledged the careful attention and design responses to earlier comments and expressed support for the revised proposals.
3. The submitted LVIA visualisations indicate some harm to existing views; however, this harm is deemed acceptable. Specific consideration was given to the view of the church from the main wharf. The Officer noted:
  - The view represents a "worst case" scenario, with more of the church becoming visible from other vantage points along the wharf.
  - The wharf, historically an industrial area, lacks the historic significance of a designed view or vantage point, reducing its importance as a receptor.
  - The church's silhouette and tower remain visible, with a large intervening tree in leaf seasonally obstructing clear views.
4. Revisions to the central roof volume, including sloping ends and reduced glazing, are now deemed satisfactory.



5. A submitted daylight study aligns with Building Research Establishment (BRE) guidance. The Officer noted that national guidance (NPPF para 129, sub-para (c)) encourages flexibility in urban areas to optimise brownfield land use, even where daylight and sunlight impacts might arise, provided acceptable living standards are maintained.
6. Given the site's sensitivity and prominence in the Conservation Area, a condition is recommended requiring submission and approval of external material samples prior to construction commencement.

The Officer concluded that the revised scheme is now acceptable, balancing sensitivity to the context with efficient site use.

#### Town/Parish/Community Groups

The Topsham Society commented on the original submission (not the finally submitted plans), raising concerns regarding the roofscape, scale, and massing of the proposed building. Key objections included:

- The oversized roofscape and building mass, particularly the boatshed gable, which they considered contrary to Topsham's traditional architectural pattern of stepping down from north to south.
- The prominent box dormer and dominating double gables near Ferry Road, which they viewed as inconsistent with the local architectural character.

They recommended specific modifications, including reducing the building's massing, preventing overlooking of Quay Cottage, and relocating the gable features southward to reduce their impact on Ferry Road. Their concerns primarily centred on the building's scale and design, which they felt were incompatible with the area's historical waterfront architecture and established building patterns.

## **11.0 Representations**

Two rounds of public consultation were conducted, the first on 12 January 2022 for 24 days, and the second on 5 November 2024 for 14 days. Site notices were displayed, and the application was publicised in the press on 12 January 2023 and 24 October 2024.

The consultations resulted in 16 letters of support and 64 objections. Objections were received from the occupiers of flats 1 and 2 Quayside (24 January 2023 and 4 November 2024), Quay Cottage (10 January 2023, 20 January 2023, and 4 November 2024), and properties at nos. 43 (18 April 2023 and 6 November 2024), 46, 46A, and 48 Fore Street.

Objectors raised concerns regarding the following:

- Excessive scale
- Excessive height
- Excessive volume
- Excessive glazing, not in keeping with waterfront character
- Impact on privacy
- Overshadowing
- Loss of light
- Ground level differences/stability
- Lack of CGI visuals
- Views
- Increased flood risk elsewhere
- Over intensification of the use
- Loss of remnants of original stone barn
- Highways – parking, congestion, pedestrian and cycle safety
- Noise and Pollution
- Plans Inaccurate
- Not sufficient notice for consultations
- Materials out of keeping
- Residential is not essential to the boatyard
- Potential change of use in future

Non-material

- Party wall (not planning material consideration)
- No consultation by developer

16 letters of support were received and raised the following points:

- employment opportunities
- locally run business
- existing buildings and boatyard have a poor appearance
- improve sustainability of the buildings, modern insulation
- in keeping with the older buildings and recent developments along the riverside
- materials in keeping with surrounding
- sympathetically and responsibly designed
- a significant improvement

## **12.0 Relevant policies**

### **National Planning Policy Framework (NPPF) December 2024**

The following paragraphs of the NPPF are considered relevant to the application:

- **Paragraph 11:** Sets out the presumption in favour of sustainable development, which underpins decision-making for proposals aligning with the development plan.
- **Paragraph 47:** Requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- **Paragraph 80:** Supports the sustainable growth and diversification of businesses in rural areas, including those related to land-based operations.
- **Paragraph 126:** Stresses the importance of high-quality design in achieving sustainable development and fostering better places.
- **Paragraph 152:** Encourages planning policies and decisions to support renewable and low-carbon energy development.
- **Paragraph 167:** Stipulates that development in areas at risk of flooding must satisfy the Sequential and Exception Tests and demonstrate long-term safety without increasing flood risk elsewhere.
- **Paragraph 174:** Requires planning decisions to enhance the natural and local environment, including the protection of valued landscapes and biodiversity.
- **Paragraph 189:** Emphasises the need to assess and identify the significance of heritage assets potentially affected by development, including their settings.
- **Paragraph 194:** Mandates applicants to describe the significance of any heritage assets affected by a proposal, proportionate to their importance.
- **Paragraph 202:** States that proposals causing less than substantial harm to a designated heritage asset's significance must weigh this harm against the public benefits of the proposal.

These policies provide guidance on sustainable development, flood risk, heritage conservation, environmental protection, and design quality, all pertinent to the application.

### **Exeter Local Development Framework Core Strategy**

Objectives 1, 3, 8 and 9

CP4 – Density

CP12 – Flood Risk

CP15 – Sustainable Construction

CP16 – Protected Sites and Species

CP17 – Design and Local Distinctiveness

### **Exeter Local Plan First Review 1995-2011**

T1 – Hierarchy of Modes

T2 – Accessibility Criteria

T3 – Encouraging Use of Sustainable Modes

C1 – Conservation Areas

C2 – Listed Buildings

C5 – Archaeology

LS2 – Ramsar/Special Protection Areas

LS3 – Sites of Special Scientific Interest  
EN2 – Contaminated Land  
EN4 – Flood Risk  
DG1 – Objectives of Urban Design  
DG4 – Residential Layout and Amenity

### **Exeter City Council Supplementary Planning Documents**

Residential Design Guide SPD 2010  
Sustainable Transport SPD 2013

### **Other material considerations**

#### **Exeter Plan: Publication Draft (December 2024) – not adopted**

The following policies are pertinent to this application:

- Policy H1: Housing Development
- Policy E2: Employment Sites
- Policy D1: Design and Local Distinctiveness
- Policy HE1: Conservation Areas
- Policy EN2: Flood Risk
- Policy T3: Sustainable Transport
- Policy EN4: Biodiversity and Green Infrastructure
- Policy W1: Sustainable Water Management

These policies provide a framework for assessing the proposal's compliance with the Exeter Plan's objectives, ensuring sustainable development that respects the city's character and environment.

Net Zero Exeter 2030 Plan

South East Devon European Site Mitigation Strategy (SEDESMS) (June 2014)

## **13.0 Human rights**

Article 6 – Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

It is acknowledged that there are certain properties where they may be some impact of overlooking 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 for securing the future of the retention of the historic boatbuilding heritage of Topsham.

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

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

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

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

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

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

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

## 15.0 Financial issues

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

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

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

### Non-material considerations

#### CIL contributions

The adopted CIL Charging Schedule applies a levy on proposals that create additional new floor space exceeding the thresholds set by the regulations. This proposal is CIL liable.

The rate at which CIL is charged for the residential component of this development is **£136.07 per sq. metre (general residential development, not flatted residential)**, subject to index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL Liability Notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are available on the Council's website.

## 16.0 Planning assessment

### Principle of Development

The site is currently in mixed use, comprising Trout's Boatyard and workshop, classified as employment use under the Local Plan's definition of 'land and buildings used or designated for Use Class B1 (business, now Class E(g)), Class B2 (general industrial), and Class B8 (storage or distribution)'. The first-floor residential dwelling/flat falls under Class C3, residential. While there is no formal planning

history for the residential use, it is recognised that residential occupation has been associated with the marine business for several decades. As such, this use is considered established and accepted.

The Council seeks to safeguard existing employment land across the city, including sites outside the established employment areas, in line with Policy CP2 of the Exeter Core Strategy. The proposal retains these established uses, enabling the renewal and expansion of the boat building and maintenance business on this historic marine industry site in Topsham while preserving an element of residential use. The development is therefore considered appropriate for this location and acceptable in principle.

### Scale and design

The proposal has undergone several iterations since it was first presented to the Authority. The current proposal retains the building's position on the site, abutting Ferry Road and aligning with the eastern boundary shared with Quay Cottage. The building width remains at 12m adjacent to Ferry Road, while the proposed height increases to 2.5 storeys across the full width, compared to the current part-single storey. The ridge height will be 1.3m higher than the existing structure, with a dual-pitched roof featuring gable ends and a sloped infilled middle section to accommodate living space in the roof. This inward sloping design reduces the visual impact on the front and rear elevations, which is a thoughtful response to the site context.

The main boatbuilding workshop will have a two-storey height with a flat roof projecting toward the river frontage at a lower level. Part of the flat roof will be sectioned off to create a 2m-deep balcony with an area of 8sqm, providing useable external amenity space for the residential dwelling. This aligns with Policy DG4 and the Residential Design Guide SPD, offering a welcome enhancement to the quality of the accommodation.

The increased massing is considered acceptable within the site's context. Properties on the opposite side of Ferry Road are 3.5 to 4 storeys high, with accommodation in the roof and some featuring balconies facing the river. Many of these properties also have pitched roofs with gable ends fronting Ferry Road, ensuring that the proposal complements the surrounding architectural character. Although the application site shares a boundary with Quay Cottage, a two-storey dwellinghouse with a hipped roof, the design steps up appropriately in scale without appearing overbearing.

The gross internal area of the residential element meets local policy requirements and the Nationally Described Space Standards. Additionally, the proposal creates an active frontage onto Ferry Road through entrances to both the residential dwelling

and the retail element of the business, in compliance with Local Plan Policy DG3 and the Residential Design Guide SPD.

The application is recommended for approval, subject to conditions requiring the submitted plans and materials to be approved in writing by the Authority. With these safeguards in place, the development is considered acceptable in respect of its design, scale, and massing.

### Impact on Amenity

The revised scheme has been assessed in light of concerns raised regarding its potential impact on outlook, overlooking, overshadowing, and overbearing effects on neighbouring residential occupiers.

Policy H2 of the Local Plan requires developments to meet housing needs on previously developed land (brownfield) at the highest density achievable without harming local amenity. Local Plan Policies DG1 (f) and (g) and DG4 are also relevant, requiring development to respect the height, scale, and massing of surrounding buildings and to ensure that residential amenity is safeguarded.

In terms of overlooking, the Residential Design Guide SPD recommends a 22m back-to-back distance between habitable room windows to maintain privacy. However, the traditional urban grain of Topsham, characterised by dense development and narrow streets, makes such separation distances unachievable. Instead, design solutions have been applied to address privacy concerns. Two first-floor windows fronting Ferry Road are secondary and will be obscure glazed, as annotated on the submitted elevation plans, which will be secured by condition. These windows, combined with their misalignment relative to neighbouring properties, limit potential for direct overlooking. Furthermore, the proposed development's windows will have oblique views due to the narrow width of Ferry Road (approximately 7m), similar to the existing first-floor windows. As such, the revised design is considered acceptable in terms of overlooking, subject to the specified conditions.

Regarding overdevelopment, the revised scheme's 2.5-storey design is in keeping with the local area, where properties often reach 4 storeys with rooms in the roof space. Although the residential component is a larger 3-bedroom dwelling, it replaces an existing residential unit and supports the retention of the maritime business. The proposal satisfies Local Plan Policy DG4(a), which seeks maximum feasible density without undue harm to the local area, and does not amount to overdevelopment.

In terms of outlook, the revised scheme's setbacks, particularly behind Quayside Cottages, reduce its proximity to neighbouring buildings and mitigate its impact. While some obstruction of outlook will occur for nos. 47 and 48 Fore Street, particularly from lower-level windows, views from upper-level balconies remain



largely unobstructed due to their oblique angle overlooking the marina. The revised scheme achieves an appropriate balance between maintaining outlook and accommodating the redevelopment.

For overshadowing, the applicant's shadow analysis demonstrates that the revised scheme causes marginal additional overshadowing, particularly to no. 48 Fore Street during late afternoon in winter. However, the shadowing primarily affects lower levels already impacted by existing boundary walls. The Council's Principal Urban Design and Landscape Officer supports the scheme, noting that there are no absolute national standards for daylight and sunlight impacts. Paragraph 131(c) of the NPPF encourages flexibility in urban areas to maximise brownfield site use, provided living standards remain acceptable.

In conclusion, the revised scheme complies with Local Plan Policies DG1, DG4, and H2, as well as the Residential Design Guide SPD and NPPF Paragraph 131. The design amendments, combined with conditions securing obscure glazing and material details, ensure that the proposal will not cause unreasonable harm to the residential amenity of neighbouring occupiers. Therefore, the impact on amenity is considered acceptable.

### Noise

The boatyard is a longstanding operation that has functioned from this site near residential properties for many decades, without any recorded complaints regarding noise. The applicant has submitted a Noise Impact Assessment (NIA) as part of the application, which confirms that no new noise sources will be introduced through the proposed development.

Environmental Health has reviewed the application and raised no objections in relation to noise. They have recommended conditions to secure the mitigation measures outlined in the NIA (Arden Consulting, 2201670-02, November 2022) and to require a Construction Environmental Management Plan (CEMP). These conditions will be attached to any grant of permission to ensure that noise impacts remain managed and acceptable.

### Contamination

The applicant submitted a desk study ground contamination report, which concluded that no significant risks are associated with contaminated land. However, in their comments dated 1 February 2023, the Environment Agency noted that there are no previous investigations available for the site, nor any data on the concentrations of contaminants in soil, groundwater, or surface water. They emphasised the need to protect controlled waters of the River Exe estuary and requested a detailed site investigation to fully assess the site and confirm the presence or absence of any significant contamination within the made ground.

To address this, a condition requiring a site investigation, risk assessment, and subsequent verification report will be attached to any grant of permission. This will ensure that potential contamination risks are adequately managed and that the site is safe for its intended use.

### Heritage and Conservation Assessment

Listed Buildings: The site is located near several Grade II listed properties (nos. 44–48 Fore Street) and St Margaret’s Church, a Grade II\* listed building. Listed buildings are of national importance due to their architectural and historical significance. The setting of these assets contributes to their significance, particularly given their proximity to the River Exe and the historic maritime character of Topsham.

Topsham Conservation Area: The site lies within the Topsham Conservation Area, a designation of local and national importance due to its estuarine setting, historic role as Exeter’s port, and its cohesive townscape of buildings from the 17th century onwards. The Conservation Area Appraisal (CAA) identifies the boatyard as having a “neutral impact” and notes key characteristics, including the enclosed nature of streets, the variety of building materials, and important views along and across the river. Specific views from St Margaret’s Church and along Ferry Road are identified as contributing to the Conservation Area’s special interest.

### Assessment of Impact

The National Planning Policy Framework (NPPF, December 2024) provides clear guidance on assessing impacts on heritage assets. Paragraph 203 requires Local Planning Authorities to:

- Sustain and enhance the significance of heritage assets and ensure viable uses consistent with their conservation.
- Consider the positive contribution of conservation to sustainable communities and economic vitality.
- Ensure new development makes a positive contribution to local character and distinctiveness.
- 

The Planning (Listed Buildings and Conservation Areas) Act 1990 mandates special attention to preserving or enhancing the character and appearance of Conservation Areas and the setting of listed buildings.

The proposal has been assessed against Local Plan Policy DG1 (design excellence), Policy C1 (preserving or enhancing Conservation Areas), and Core Strategy Objectives 8 and 9, which emphasise the protection of Exeter’s historic character and promoting local distinctiveness through high-quality design.

### Design and Visual Impact

The proposal has undergone significant revisions to reduce its height and massing, now comprising a maximum of 2.5 storeys, which is lower than the Grade II listed terrace opposite and only marginally higher than Quay Cottage. The boatyard workshop near the river will have a flat roof equivalent to 2 storeys, creating a stepped-down effect towards the waterfront, reflecting the historic urban pattern of this part of Topsham. This design maintains the proposal as a secondary building subordinate to the taller historic terrace, preserving the legible and substantial built edge of the river.

The applicant's Landscape Visual Impact Assessment (LVIA) has been reviewed. While the revised scheme introduces some impact on views from key vantage points, including St Margaret's Church, these impacts are limited and mitigated by the careful design and alignment of the building within its context. Views towards the estuary and along the river remain largely intact, and the stepped design reduces visual bulk, ensuring compatibility with the Conservation Area's character.

### Balance of Harm and Public Benefits

The NPPF (Paragraph 206) acknowledges that less-than-substantial harm to heritage assets must be weighed against the public benefits of a proposal. While the development introduces minor changes to the Conservation Area's views and the setting of listed buildings, the harm is deemed less than substantial. The public benefits include the continued operation and modernisation of the historic boatyard, which supports Topsham's maritime heritage and economic vitality.

### Conclusion

The revised scheme respects the significance of the listed buildings, the Conservation Area, and their settings. The careful design mitigates visual impacts, and the benefits of preserving and enhancing the operational viability of the boatyard outweigh the less-than-substantial harm identified.

To ensure the development integrates seamlessly with its historic context, a condition will require the submission and approval of material samples prior to construction.

The proposal is therefore considered compliant with the NPPF (Paragraphs 203 and 206), Local Plan Policies DG1 and C1, and Core Strategy Objectives 8 and 9. It is acceptable in heritage terms.

### Ecology and Habitats Regulations Assessment (HRA)

The proposed works are located adjacent to the Exe Estuary SPA, Ramsar site, and SSSI. In accordance with the **Conservation of Habitats and Species Regulations 2017** and the **Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)**, the City Council, as the Competent Authority, has

undertaken a Habitats Regulations Assessment (HRA) to ensure the development will not adversely affect the integrity of the designated sites.

The HRA, including an Appropriate Assessment, has identified potential indirect impacts during construction and operation, including:

- Noise and visual disturbance on birds from construction activities.
- Waterborne pollution risks to the estuary habitats due to site runoff and construction-related activities, including the handling and storage of materials, machinery maintenance, and accidental pollution events during high rainfall.

The assessment concludes that these impacts can be mitigated effectively with the following measures:

1. Adherence to the mitigation measures outlined in the HRA/AA and supporting documentation.
2. Implementation of a Construction and Environmental Management Plan (CEMP), ensuring safeguards to prevent pollution and disturbance, including controlling runoff and prohibiting construction lighting outside daylight hours.
3. Installation of ecological enhancements, including one integrated bat box, one integrated swift box, and one inbuilt 'invertebrate brick.'
4. Mitigation measures for nesting birds during the construction phase.

Natural England has reviewed the Council's Appropriate Assessment and concurs with its conclusions, subject to the securing of all proposed mitigation measures through appropriate planning conditions.

In addition to construction-related impacts, the existing residential use on the site does not trigger any additional habitats mitigation requirements for recreational disturbance under local or national policies, as it does not represent a net increase in residential pressure on the Exe Estuary.

The proposed conditions will ensure compliance with the **Conservation of Habitats and Species Regulations 2017**, Local Plan Policies LS2, LS3, and LS4, and the **National Planning Policy Framework (NPPF)**. With these measures secured, the proposal is considered acceptable in respect of ecology and habitats protection.

### Highway Impacts

The development complies with the Sustainable Transport SPD, Local Plan Policies T1 and T3, and national policies by promoting sustainable travel modes and providing strong connections to public transport, with several bus routes serving Fore Street.

The proposal meets the requirements of the Sustainable Transport SPD regarding cycle parking provision. Secure and sheltered cycle parking is included for the residential component, and the open boatyard area offers ample opportunity for additional cycle parking for staff and visitors. A condition will be applied to ensure adequate cycle parking facilities are provided.

Residents raised concerns about parking and traffic impacts during construction and operation. The Devon County Council Highways Officer reviewed the application and stated:

*"It would appear that there isn't likely to be a highway concern with the development should you be minded to grant consent to the planning application. There is a slight worry over the construction when taking the narrow nature of the surrounding roads into account, and as such, it would be beneficial to ensure that there is a Construction Traffic Management Plan condition attached to any decision notice. The applicant must also ensure that under no circumstance should water or detritus be allowed to be discharged onto the highway, nor should they make the assumption that they can connect to any existing or proposed highway drainage."*

To address these concerns, a condition requiring the submission of a Construction Traffic Management Plan (CTMP) will be applied to any permission. This will ensure construction activities are managed appropriately to minimise disruption and safeguard highway safety.

In conclusion, the development is acceptable in highway terms, subject to conditions requiring a CTMP and adequate cycle parking provision.

### Flood Risk

The site is located within Flood Zone 3, indicating a high probability of flooding. In accordance with national guidance, the **precautionary approach** must be followed, requiring the application of the Sequential Test and, where appropriate, the Exception Test.

The Council's strategic approach to the Sequential Test recognises that brownfield or previously developed land within the urban area meets the Sequential Test, supported by the Environment Agency. This approach aligns with the **Core Strategy** and the **NPPF**, which prioritise sustainable development objectives. As such, the application is considered sequentially appropriate.

The Exception Test requires that development in flood-prone areas must:

1. Provide wider sustainability benefits that outweigh flood risk; and

2. Demonstrate that it will be safe for its lifetime, without increasing flood risk elsewhere, and, where possible, reduce flood risk overall.

The applicant has submitted a Flood Risk Assessment (FRA), which addresses these criteria. The proposal includes residential use categorised as 'more vulnerable.' However, this residential use already exists on-site and does not represent a new or significantly intensified use. The residential accommodation will be above the commercial ground floor and is positioned above the design flood event level. The FRA confirms that the development will be safe for its lifetime and incorporates the following mitigation measures:

- Flood-resistant and resilient construction, ensuring the property can be quickly brought back into use following a flood event.
- Sustainable drainage systems (SuDS) to manage surface water, subject to approval through a planning condition (see Condition 16).
- Measures to manage any residual risk, including safe access and escape routes via an agreed emergency plan. Residents will also be subscribed to flood alerts to facilitate timely evacuation or refuge.

The Environment Agency has raised no objections to the proposal, agreeing with the FRA's conclusions. The proposed mitigation measures will safeguard the property, its occupiers, and its operation without increasing flood risk elsewhere.

#### Specific Considerations for the Boatyard

The boatyard, an established use on the site, is recognised as part of the area's historic character. While it operates in a flood-prone location, the proposal does not introduce new activities that would exacerbate flood risks. The operational aspects of the boatyard are inherently adaptive to occasional flooding, with measures in place to ensure continuity of use.

#### Sustainable Drainage Systems (SuDS)

In accordance with **NPPF Paragraph 164**, a condition is proposed to require surface water drainage details, including SuDS where appropriate, to be submitted and approved prior to the occupation of any building (see Condition 16). This will ensure that the development meets the latest standards for sustainable drainage and pollution prevention.

In conclusion, the development complies with the Sequential and Exception Tests, Local Plan Policies EN4 and CP12, and the NPPF. It incorporates robust measures to manage flood risks and ensure the safety and sustainability of the site, making it acceptable in flood risk terms.

## Other Matters

To achieve sustainable development, the Council requires new developments to incorporate energy efficiency and low-carbon measures, aligning with its corporate objective of achieving zero carbon by 2030. While the requirements of Core Strategy Policy CP15 have now been overtaken by updated Building Regulations, the applicant has provided a sustainability statement (November 2024) that outlines measures for reducing carbon emissions and enhancing energy efficiency in the proposed development. This statement will be conditioned to the application to ensure these measures are implemented.

Additionally, the Council's adopted **Community Infrastructure Levy (CIL) Charging Schedule** applies to new residential developments. The additional residential floorspace created by the proposal is therefore CIL liable, and the final charge will be calculated and confirmed in a liability notice issued prior to commencement of development.

## **17.0 Conclusion**

The proposed redevelopment of the existing boatyard is a carefully considered scheme that balances the preservation of Topsham's historic maritime heritage with the need for sustainable modernisation. The site's use as a boatyard with residential accommodation above is long-established, and the proposal does not introduce a material change of use. Instead, it seeks to enhance the operational efficiency of the boatyard and improve its resilience to future demands while maintaining its heritage significance.

The scheme has been substantially amended in response to officer and public feedback, resulting in a design that is appropriate in scale and massing, respects the character of the Topsham Conservation Area, and mitigates potential impacts on the setting of nearby listed buildings. While the development will have some limited impacts on views and amenity, these are considered less than substantial and are outweighed by the public benefits, including the safeguarding of employment opportunities, support for a valued local business, and the preservation of Topsham's unique historical identity.

Furthermore, the proposal includes robust mitigation measures to address ecological concerns, manage flood risk, and ensure sustainable drainage, meeting the requirements of both local and national policies. Subject to the recommended conditions, the development is compliant with the Core Strategy, Local Plan, and the National Planning Policy Framework.

On balance, the proposal represents a sustainable form of development that aligns with the Council's objectives for heritage conservation, economic vitality, and environmental sustainability.

## 18.0 Recommendation

GRANT planning permission subject to the following conditions (and their reasons):

### Conditions

1) 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 ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 16th December 2024 (including drawings numbers: A-E10-002, A-E11-001, A-E12-001, A-P10-001, A-P11-001, A-P12-001, A-P13-001, A-P13-001(2D), A-P13-002, A-P13-003) as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

3) Pre-commencement condition: A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact. The a Construction Method Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.



The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

4) Pre-commencement condition: Prior to commencement of any part of the site the Planning Authority shall have

received and approved a Construction Traffic Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00 and 18:00 Mondays to Fridays inc.; 9.00am to 13:00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no traffic or delivery vehicles will park on the County highway for loading or construction unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

5) Pre-commencement condition: Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the information gained in the desk study to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and risk assessment (1) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
3. A verification report on completion of the works set out in (2) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

6) Pre-commencement condition: 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 for pre-commencement condition: 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.

7) Prior to the occupation of the development hereby approved, details of the provision for the disposal of surface water within the site, shall be submitted to and approved in writing by, the Local Planning Authority, so that none drains onto any County Highway.

Reason: In the interest of public safety and to prevent damage to the highway

8) Works are to proceed strictly in accordance with all mitigation measures detailed in the Shadow Habitat Regulation Assessment (HRA), (GE Consulting, 2024) and the documents submitted in support of this application, including and not limited to:

- o No plant or activity that generates noise at levels greater than 90Db7 at source, such as demolition, groundworks and piling;
- o No use of cranes and other large vehicles that could create high visual disturbance, beyond that which is already associated with the current year round use of a mobile crane to lift and launch boats, except during the period April to August.

Reason: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

9) Prior to occupation of the development hereby approved, the recommendations and the enhancements described in the submitted Ecological Impact Assessment (GE Consulting, November 2024) including:

- the installation of x1 swift box
- the installation of 1 bat box
- inbuilt 'invertebrate' brick

must be implemented, adhered to managed and maintained hereafter.

Reason: In the interests of preservation and enhancement of biodiversity in the locality

10) No construction lighting outside of daylight hours during the construction phase and between 1st April and the 31st October, works during the construction phase should be undertaken starting no earlier than 30 minutes after sunrise and finishing no later than 30 minutes prior to sunset with no Site lighting left on overnight.

Reason: In the interests of preservation and enhancement of biodiversity in the locality

11) Prior to occupation of the development a report shall be submitted to and approved in writing which demonstrates that the recommendations within the submitted Ardent Consulting Engineers Noise Assessment Report (2201670-02 November 2022) have been implemented in full.

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

12) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that

its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the Topsham Conservation Area.

13) Prior to the occupation of the development hereby approved, details of secure cycle parking facilities for residents, staff and visitors must be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

14) If during development contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan, and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy, and the effectiveness of the remediation, shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of the amenity of the occupants of the buildings hereby approved.

15) The details included in the sustainability statement (November 2024), shall be implemented in full prior to occupation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

16) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable

Drainage Systems Non statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the satisfactory drainage of the development.and in accordance with the NPPF paragraph 164

## **INFORMATIVES**

1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact. This impact will be mitigated in line with the mitigation measures included in the Appropriate Assessment and the documents submitted in support of this application.

### **2) Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Exeter City Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun

because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. - Existing application, prior to 12 February 2024  
Read more about Biodiversity Net Gain at Biodiversity Net Gain - Environment  
([devon.gov.uk](https://devon.gov.uk))

3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](https://www.exeter.gov.uk/cil).

4) 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.