

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 17th February 2025
Report of: City Development Strategic Lead
Title: Appeals Report

Is this a Key Decision? No

Is this an Executive or Council Function? No

1. What is the report about?

- 1.1 The report provides Members with information on latest decisions received and new appeals since the last report (17/01/2025).

2. Recommendation:

- 2.1 Members are asked to note the report.

3. Appeal Decisions

- 3.1 [23/0914/FUL](#) **1 Higher Riverdale, Exe Street, Topsham.** *Conversion and remodelling of storage building to create 2 bed dwelling house with parking, external amenity space including roof terrace and associated works (C3 Use Class).* **Planning Inspectorate Decision Issued:** 27th January, 2025.

Appeal Dismissed.

For the Decision Notice, see:

[Reference: APP/Y1110/W/24/3341923 \(planninginspectorate.gov.uk\)](#)

- 3.2 [23/1320/OUT](#) **Land at St Bridget Nursery, Old Rydon Lane.** *Outline planning application for the demolition of existing buildings and structures and the phased development of up to 350 dwellings and associated infrastructure and open space. (All matters reserved except access)* **Planning Inspectorate Decision Issued:** 30th January, 2025.

Appeal Allowed with Conditions.

Planning Officer's Summary:

The application was appealed for non-determination and a public inquiry was held on 11 December 2024, with the Council recommending the development be allowed. The appeal was allowed on 30 January 2025 broadly in accordance with the reasoning put forward by the Council.

The Inspector identified three main issues:

1. The principle of the proposed development having regard to the development plan and other material considerations, including the Newcourt Masterplan; The site is allocated in Core Strategy (CS) policies CP1 and CP19 and Inspector noted that the policy wording and allocation plan only identifies 'green infrastructure routes' with no explanation as to what this entails and if vehicular traffic should be removed. It was considered unlikely that vehicle traffic should be removed from Old

Rydon Lane due to existing dwellings and the policy supporting text noting the potential for bus use. The downgrading of much of Old Rydon Lane was noted to accord with CP19.

The Newcourt Masterplan was acknowledged as putting a more detailed strategy for the allocation and identifies vehicular access from the north-east, reinforced by the existing roundabout spur and Masterplan text. It was confirmed as a material consideration but with limited weight. The Inspector acknowledged that the proposal was at odds with the Masterplan in this respect, however the Masterplan is not part of the development plan or a supplementary planning document. It was also noted that deviations have occurred from it and that the Core Strategy states that development should only have 'general regard' to its 'guidance'. The Masterplan contains no requirement for access to be taken from the northeast and not as proposed.

The Inspector concluded that the principle of development is acceptable. Whilst there is conflict with the Masterplan, the development accords with CS policies CP1, CP9 and CP19.

2. The effect of the proposal on highway safety and the highway network;

The Inspector confirmed that the assessment of existing and proposed traffic flows was correct and in line with Planning Practice Guidance and that the junctions and highway network have capacity to cope with the additional trips generated.

Whilst there would be an increase in traffic movements in some areas the number of people affected was considered to be limited and that the impact on the highway network 'would be acceptable, and far from severe.'

The Inspector's site visits confirmed the Road Safety Audit conclusions that the majority of road users on Rydon Lane are within the 40mph speed limit and are alert and reduce speed by the Old Rydon Lane junction. Three personal injury collisions have occurred in the surrounding area and the Inspector concluded that they were to rider or driver error rather than an intrinsic safety issue. The three incidents over the nine year assessed period was considered by the Inspector to not be statistically significant.

The safety of existing residents was considered to be acceptable. Cyclists heading west would see a new detour, however it was not considered to be a significant inconvenience and that pedestrian access would be significantly improved.

The proposal was considered to have be acceptable in relation to highway safety and the highway network and accorded with CS policy CP4 and Local Plan saved policies T3, H1 and DG1.

3. The effect of the proposal on the living conditions of neighbouring residents.

The Inspector acknowledged there would be a change in living conditions of existing residents. They noted that some properties would see long-term benefits from the removal of through traffic, with others an intensification of noise and air quality. This was examined and the submitted information demonstrated that the impacts would be acceptable.

Travel times would be extended for several residents, with those to the south-east being greatest affected. Most routes would be barely affected, however up to an 8-minute increase may occur to journeys to Countess Wear via Newcourt Way. The Inspector advised that 93% of car journeys are over 1 mile and 75% are over 2 and that 'most delays would be modest within the context of most trips.' The Inspector concluded that this degree of inconvenience would not be a significant impingement.

Conclusions

The Inspector considered that an alternative scheme could come forward for the site with access via the north-east, however that would be a theoretical scheme and, when read alongside the limited weight given to the Masterplan it is not a compelling. The development being considered at appeal was considered to meet the development plan as a whole and the appeal was allowed subject to conditions and S106 planning obligations.

No applications for costs were submitted and none were granted by the Inspector.

For the Decision Notice, see:

[Reference: APP/Y1110/W/24/3350940 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/y1110/w/24/3350940)

3.3

4. New Appeals

4.1

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Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report:

Letters, application files and appeal documents referred to in report are available for inspection from: City Development, Civic Centre, Paris Street, Exeter

Contact for enquiries: Democratic Services (Committees) - Tel: 01392 265275