

**ITEM NO.****COMMITTEE DATE:**

24/07/2017

**APPLICATION NO:**

17/0440/02

APPROVAL OF RESERVED MATTERS

**APPLICANT:**

Mr A West

Persimmon Homes (SW) Ltd

**PROPOSAL:**

Reserved matters application for construction of 116 dwellings and associated works (Phase 2 development area).

**LOCATION:**

Phase two, Land to north, west &amp; south of Met Office off, Hill Barton Road, Exeter, EX2

**REGISTRATION DATE:**

10/03/2017

**EXPIRY DATE:**

09/06/2017

**HISTORY OF SITE**

14/2062/02 -	Reserved matters application for construction of 148 dwellings and associated works. (Phase 1 development area).	PER	07/12/2015
14/2063/32 -	Details for Phase 1 of the development pursuant to Condition 4 (framework plan and statement on appearance palette) of applications 12/0472/01 and 14/0832/03.	PER	02/04/2015
14/4806/03 -	Construction of a new roundabout access junction from Hill Barton Road and associated landscaping and infrastructure works.	PER	03/03/2015
15/1158/03 -	Deletion of condition 23. Amendment of condition 4 to remove reference to the signal controlled access onto Hill Barton Road and instead refer to the approved roundabout access approved by planning permission ref 14/4806/03. Amendment of condition 25 revising the delivery schedule and completion of approved works in accordance with the limit shown on plan ref 1001 rev A	WDN	09/03/2016
16/0574/02 -	Reserved matters application for a re-plan of part of Phase 1 comprising the construction of 140 dwellings and associated works.	PER	02/12/2016

Although not relating directly to the application site the following applications which relate to land bordering the site to the south are considered relevant to the assessment of this application:-

11/1619/01 - Outline planning permission to erect a mixed use development comprising B1, B8, D1, D2, C1, A1, A3, A4 and A5 uses (means of access to be determined only). Land south of Met Office Fitzroy Road. Approved 19/06/2012.

12/0954/02 - Hotel and restaurant (Approval of reserved matters following outline approval 11/1619/01 granted 19 June 2012). Land south of Met Office Fitzroy Road. Approved 17/12/2012.

13/5128/03 - Removal of condition 29 requiring a vehicular connection to the northern boundary of the site prior to the occupation of any retail unit (Ref. No. 11/1619/01 granted 19/06/2012). Approved 24/03/2015.

**DESCRIPTION OF SITE/PROPOSAL**

The application site comprises part of the land covered by the outline planning consent ref 12/0472/01 (as modified by 14/0832/03). It constitutes the 2nd Phase of the development comprised in the aforementioned applications. The site is bounded to the north by the recently constructed housing comprising Phase 1 of the wider development and the combined foot/cycle from Hill Barton Road to Fitzroy Road that runs between the site and the Met Office car park. To the south the site is bounded by the railway line to Exmouth and the consented commercial development at 'Moor Exchange'.

The application comprises a 'reserved matters' proposal for 115 dwellings with associated roads, parking provision and open space. Access to the site would be obtained via the internal estate road constructed in phase 1 which links to Hill Barton Road via the recently constructed roundabout. The development comprises a mix of 1, 2, 3 and 4 bed houses/apartments served by a combination of on-plot, courtyard and on-street parking spaces. The layout provides for a potential road link to subsequent phases of the wider development.

### **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The application is accompanied by the following supporting documents –

- Planning Statement
- Framework Plan
- Affordable Housing Statement
- Arboricultural Constraints Report
- Ecology & Nature Conservation Assessment
- Travel Plan
- Transport Assessment
- Utilities Report (site wide)
- Flood Risk Assessment
- Phase 2 Geo-Environmental Site Investigation Report

### **REPRESENTATIONS**

3 letters of representation have been received raising the following points –

- Layout fails to implement adequate design and mitigation measures set out in the original outline Environmental Statement, Transport Assessment and Travel Plan – i.e. absence of adequate cycle parking in accordance with ECC Residential Design SPD – location, type and natural surveillance
- Over reliance on parking courts and on-street parking
- Lack of well-overlooked visitor cycle parking
- Absence of Home Zone design principles e.g. shared surface streets to restrict vehicle speed and give sense of priority to pedestrians/cyclists
- Street scene dominated by vehicle parking
- Insufficient dropped kerbs
- Absence of details of pedestrian and cycle networks and on-site bus routes as required by outline conditions 28, 29 & 30
- Adjoining landowner not welcome vehicular connection to their land due to concerns about capacity of Fitzroy Road/Honiton Road junction to cope with traffic from the residential development

- Question highway network capacity impact, and ability to deliver access strategy set out in the outline consent – i.e. delivery of a secondary access to the development in addition to Hill Barton Road
- Highlight need for provision of substantial car park on current application site to meet likely demand for residents of the development wanting to use any retail development delivered on adjoining land
- Concern about impact upon highway network in terms of capacity in event of more than 500 dwellings being served without provision of a secondary access i.e. Oberon Road
- As proposed would prejudice delivery/development of adjoining Moor Exchange site which is allocated for commercial development because –
  - Houses shown in close proximity – noise nuisance to potential occupiers from service vehicles associated with commercial development
  - Connection between two sites inappropriate and compromise functioning of future commercial development
- Bus only connection into adjoining land unacceptable given uncertainties of operator commitment
- Adjoining landowner only commit to providing vehicular connection once Oberon Road link is provided and open for use
- Introduces uncertainty which could compromise development at Moor Exchange
- Contrary to previously agreed access strategy – Monkerton and Hill Barton Masterplan and Core Strategy policy CP19 and outline consent
- Application made pursuant to incorrect application – should be withdrawn, re-submitted and re-consulted

A further letter of objection in respect of the revised layout plan has been received on behalf of the owner of the adjoining land raising the following concerns –

- Whilst not objecting to omission of a full vehicular connection to their land, and hence Fitzroy Road, express surprise at Highway Authority's stance given this is contrary to access strategy for Monkerton/Hill Barton and Development Plan
- Express concerns about arrangements to ensure restriction to buses/pedestrians/cyclists is maintained and enforced in perpetuity, particularly in light of proposed reliance on signage only rather than physical measures
- In light of above concerned about impact on Fitzroy Road junction and highlight potential reluctance to deliver corresponding part of link through their land in connection with future applications
- Query funding availability for bus service, state only upon confirmation of funding would they be prepared to deliver a connection, and only then with physical restrictions to limit general usage
- Re-iterate previous comments regarding facilitation of appropriate access to any potential Moor Lane development, with consequent potential for additional traffic movements on road network and/or indiscriminate parking within residential layout
- Compatibility of residential development proposed with adjacent land use, and potential impact on its operation. Query effectiveness and visual impact of acoustic fence. Consider this issue should be addressed prior to any consent being granted not left to a condition

## **CONSULTATIONS**

**Natural England** – No comments, refer to standing advice.

**Highways England** – comment as follows “This application relates to reserved matters for the phase 2 development area previously approved under permission reference 12/0472/01. The original outline planning permission provided for a mixed use scheme comprising up to 750 dwellings, a local centre (A1, D1, D2), public open space, demolition of buildings, landscaping, highway access to Hill Barton Road and associated infrastructure works. All matters were reserved for future consideration apart from access. Phase 1 consisted of the construction of 140 dwellings with associated work, and phase 2 now seeks to deliver a further 115 dwellings. The traffic impact of the proposed development on the SRN (Strategic Road Network) was dealt with at the outline stage. The number of dwellings which are subject to the reserved matters application remains within the overall number of dwellings permitted at the outline stage and highway access arrangements are not affected by the proposals. Highways England is therefore satisfied that the reserved matters will not alter the previously assessed impact of the development on the SRN. Recommendation – Highways England has no objections to the proposed reserved matters.”

**Environmental Health** – submitted contaminated land report is acceptable to meet the pre-commencement requirements of the relevant condition on the outline consent.

**Met Office (Safeguarding)** – No objection.

**County Head of Planning, Transportation and Environment (Highways)** – Comments as follows –

“The submitted application is for approval of reserved matters for the erection of 115 dwellings including associated works at land to north, west & south of the Met Office, Exeter. The site represents Phase 2 of the outline consent for 750 dwellings on the site (12/0472/01).

#### *Vehicular Access*

Vehicular access to the site will be provided via link from Hill Barton Phase 1. Speed calming measures have been proposed and are consistent to those in place at Phase 1 – this is acceptable. The internal road layout has been progressed in liaison with the Highway Authority and is broadly acceptable (albeit that the turning head designs and other minor points may need to be amended during the S38 stage). Nevertheless, it is pleasing that the onsite layout incorporates best practice design philosophies from Manual for Streets to promote low vehicle speeds and safer environment for vulnerable users. The applicant has indicated that raised tables will be provided – the exact specifications, including the construction and materials used will need to be agreed with the Highway Authority.

#### *Pedestrian and Cycle access*

Generally, a high level of pedestrian and cycle permeability has been provided within the site, meeting some of the aspirations set out in the Hill Barton Masterplan – this is welcomed. This includes a number of new connections to the existing Met Office footway/cycleway (immediately north to the site) and an exits to the most easterly point of the site. All pedestrian/cycle links provided should be at least 3m wide.

#### *Bus Provision*

During the consultation process, the applicant and Highway Authority have discussed the possibility of a bus running through the site. The applicant has provided tracking diagrams, giving confidence that if a bus service were to be in operation in future, a bus could manoeuvre safely around the proposed highway layout. The potential bus service would run through Hill

Barton Phase 1 and enter Phase 2 via the northern vehicular access and eventually exit onto Fitzroy Road. The applicant has built this potential link to the boundary, safeguarding the route for future use. The connection to the south will only be available to buses, pedestrians and cyclists; **private motorised vehicular use will be prohibited**. As such, the applicant will provide signage should a bus route be in operation. The submitted plans also show a build out to discourage private motorised vehicular use, whilst providing a facility for pedestrians and cyclists to pass through safely and is therefore conditioned.

Finally, a Traffic Regulation Order (TRO) will also be required to advertise the “bus only” link to the south – this shall only be requested when the bus route is in operation.

In summary, a safe and suitable access can be achieved for all users. Subject to a condition safeguarding a potential bus route to the south and satisfying the outline conditions, no objection.”

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance**

National Planning Policy Framework (NPPF):-

4. Promoting sustainable transport
5. Supporting high quality communication infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

*Paragraph 11 - Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.*

*Paragraph 14 - At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking...For decision taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.*

*Paragraph 49 - Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.*

## **Exeter Local Development Framework Core Strategy 2012**

- CP1 – Spatial approach
- CP3 – Housing development
- CP4 – Housing density
- CP5 – Meeting housing needs

CP7 – Affordable housing  
CP9 – Strategic transport measures to accommodate development  
CP10 – Meeting Community Needs  
CP11 – Pollution and air quality  
CP12 – Flood risk  
CP14 – Renewable and low carbon energy  
CP15 – Sustainable design and construction  
CP16 – Strategic green infrastructure  
CP17 – Design and local distinctiveness  
CP18 – Infrastructure requirements and developer contributions  
CP19 - Strategic Allocations

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

AP1 – Design and location of development  
AP2 – Sequential approach  
H1 – Housing land search sequence  
H2 – Housing location priorities  
H3 – Housing sites  
H6 – Affordable housing  
H7 – Housing for disabled people  
L4 – Provision of playing pitches  
T1 – Hierarchy of modes of transport  
T2 – Accessibility criteria  
T3 – Encouraging use of sustainable modes of transport  
T10 – Car parking standards  
C5 – Archaeology  
LS1 – Landscape setting  
EN2 – Contaminated land  
EN3 – Air and water quality  
EN4 – Flood risk  
EN5 – Noise  
DG1 – Objectives of urban design  
DG2 – Energy conservation  
DG4 – Residential layout and amenity  
DG5 – Provision of open space and children's play areas  
DG6 – Vehicle circulation and car parking in residential developments  
DG7 – Crime prevention and safety

### **Development Delivery Development Plan Document (Publication Version):-**

This document represents a material consideration but has not been adopted and does not form part of the Development Plan.

DD1 - Sustainable Development  
DD9 - Accessibility, Adoptable and Wheelchair User Dwellings  
DD13 - Residential Amenity  
DD20 - Sustainable Movement  
DD21 - Parking  
DD22 - Open Space  
DD25 - Design Principles  
DD26 - Designing Out Crime  
DD28 - Heritage Assets

DD29 - Landscape Setting Areas  
DD30 - Green Infrastructure  
DD31 - Biodiversity  
DD33 - Flood Risk  
DD34 - Pollution

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

Affordable Housing SPD 2013  
Archaeology and Development SPG 2004  
Planning Obligations SPD 2009  
Public Open Space SPD 2005  
Residential Design SPD 2010  
Sustainable Transport SPD 2013  
Trees and Development SPD 2009

### **OBSERVATIONS**

As this application constitutes a 'reserved matters' application for the second phase of a wider development, with the principle of development being established via the outline consent, the main considerations relate to detailed matters in respect of design/layout/amenity standards, transportation matters, and affordable housing provision.

#### Design/layout/amenity

One of the conditions of the outline consent required that a 'Framework Plan' be submitted and approved for each phase of the development subject to a reserved matters application. The purpose of this document was to demonstrate that each phase of the wider development coming forward was in accordance with the broad principles established in the outline indicative master plan, and the parameter plans and Design and Access Statement approved at the outline stage. Such a plan accompanies this application for phase 2 of development the subject of this application. Essentially the submitted Framework Plan is an extension of that previously approved for phase 1 and is considered acceptable.

The essential elements of the layout comprise a continuation of the existing road through the recently constructed Phase 1 through the site to a potential connection point with the adjoining commercial development constructed off Fitzroy Road. Due to the linear narrow nature of the site the majority of the proposed dwellings will front this new section of road. Where the site widens out in the north a cul-de-sac will spur off the main road to serve further houses. The layout also incorporates pedestrian/cycle path connections to both the main cycle path leading from Hill Barton Road to the Met Office and to the cycle/footpath provided to the north of the current site as part of the Phase 1 development. Overall the general layout and linkages to adjoining land is considered logical and appropriate to the site and its constraints.

The scheme provides a total of 116 units (86 open market and 30 affordable) comprising a mix of semi-detached, terraced and apartment properties ranging from 1 to 4 bedroom dwellings. The proposed house types are a continuation of those constructed on Phase 1 except for the Moseley House type (of which 8 are proposed). The breakdown in size of dwellings proposed is as follows:-

- 40 1bed dwellings
- 60 2bed dwellings

- 13 3bed dwellings, and
- 2 4bed dwellings.

The proposed mix is a reflection of the current demand for smaller house types. Overall the mix of house types is considered acceptable. The layout has been the subject of pre-application negotiations with officers to achieve acceptable private amenity space and separation distances between properties. All of the houses are provided with private gardens, the majority of which comply with the standards set out in the Council's Residential Design SPD. The small proportion that are under the standard are only marginally short and, in the context of the overall layout and need to maximise housing delivery, the level of private external amenity space provided across the scheme is considered acceptable. The apartments within the scheme are provided with an acceptable level of communal amenity space to serve the residents of those units. Likewise the separation distances between proposed dwellings is considered acceptable.

Open space is provided as part of the development and has to be considered in the context of the overall outline consent. As part of that outline consent later phases will provide the more significant areas of open space as part of the linear park alongside Hollow Lane. This approach is consistent with the masterplan and in this context the level of provision provided as part of this phase is considered acceptable.

Significant tree planting along the main road is proposed in continuation of the approach adopted within Phase 1. This will be further enhanced by planting to individual plots which will form part of a landscaping scheme to discharge the relevant condition of the outline consent.

The southern part of the site will adjoin land likely to be developed for commercial purposes. With this in mind the boundary treatment along this part of the site will need to comprise an appropriate acoustic fence to minimise potential noise disturbance and facilitate the consented commercial use of the adjoining land. The layout plan has been annotated accordingly and the erection and specification of this fence can be controlled by an appropriate condition.

### Transportation matters

The road layout within the development has been the subject of significant negotiations with officers, including representatives of the Highway Authority. The main aim has been to secure an appropriately located vehicle connection to adjoining land to facilitate a bus route running through the site in the longer term if there is operator interest in providing a bus service, and a road layout that caters for bus tracking along the entire length. This has been secured within the revised plans/layout. The road layout is a continuation of that running through the earlier phase and provides the opportunity for a bus route to run through the site from Fitzroy Road to Hill Barton Road and beyond. It is intended that this connection would be for pedestrian/cyclists and buses only and has been designed with this in mind including a small build out to narrow part of the carriageway. Restricting this link to buses only will require a Traffic Regulation Order (TRO) and signage which would need to be funded by the developer and secured through an appropriate legal agreement.

The layout incorporates appropriate pedestrian and cycle connections to existing footpaths/routes and thereby should serve to encourage the use of modes of sustainable transport other than the private motor vehicle.

The parking strategy for the site also continues the approach adopted for Phase 1 and provides a mix of on-plot and on-street parking to serve the dwellings. Where right angle parking is provided tree planting has been incorporated to break up the dominance of cars within the street



scene. This has resulted in a small number of limited size parking courts to serve some dwellings in addition to the communal parking courts serving the proposed apartments/flats.

The Highway Authority have raised no objection to the proposal on transportation grounds and overall the proposal is considered acceptable from this perspective.

### Affordable Housing

The S106 Agreement attached to the outline consent requires 25% of the dwellings on site to be provided as affordable housing in the form of social rented and intermediate accommodation. The 25% would comprise a proportionate mix of the house types proposed for the overall site, although it does include all of the proposed 4 bed units within this phase (x2). For this phase 25% would equate to 29 affordable dwellings. However, within this phase 30 affordable dwellings are proposed which corrects a marginal under provision within the previous phase. The number, mix and location of the affordable housing has been subject to negotiation with officers. The affordable units are grouped within 3 clusters comprising 7, 9 and 14 dwellings respectively. Whilst one of these clusters is marginally larger than that advocated in the Council's Affordable Housing SPD there is considered to be a logic to the distribution proposed within layout taking into account mix/dwelling size. Given that 2 of the other clusters are under the maximum number suggested, and the constraints of the site layout, the clustering is considered acceptable in this instance.

### Conclusions

The first phase of Hill Barton has progressed relatively quickly and already has a high level of occupation. The Monkerton/Hill Barton strategic allocation area, of which this proposal forms part is important to the Council's delivery of housing. This phase represents a continuation of the form of development within Phase 1 and has been developed with reference to wider objectives, the Monkerton/Hill Barton Master Plan and the site constraints. The scheme as now proposed has been the subject of a positive process of negotiation involving City Council officers and Devon County colleagues from a transportation perspective.

The applicant is in the process of preparing a Unilateral Undertaking regarding payment of the required financial contribution to the County Council (£3,000) towards the necessary Traffic Regulation Order in respect of the bus only highway connection to the adjoining land.

Overall, the reserved matters proposals for this second phase of the development are considered acceptable subject to the satisfactory completion of the above mentioned agreement and accordingly the recommendation is one of approval.

### **RECOMMENDATION**

Subject to the completion of a satisfactory S106 Unilateral Undertaking as set out above **APPROVE** subject to the following conditions -

- 1) All conditions imposed on application number 14/0832/03 are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

- 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 22 & 26 June and 6 July 2017 (including dwg. nos. Location Plan, 120 Rev P7, 121 Rev P4, GA-02 Rev P1, 122 Rev P2, 123 Rev P3, PL500-1 Rev P2, PL500-2 Rev P2, PL500-3 Rev P2, PL501-1 Rev P2, PL501-2 Rev P2, PL501-3 Rev P2, PL501-4 Rev P2, PL501-5 Rev P2, PL501-6 Rev P2, PL501-7 Rev P2, PL502-1 Rev P2, PL502-2 Rev P2, PL502-3 Rev P2, PL503-1 Rev P1, PL503-2 Rev P1, PL503-3 Rev P1, PL503-4 Rev P1, PL504-1 Rev P2, PL504-2 Rev P2, PL504-3 Rev P2, PL504-4 Rev P2, PL504-5 Rev P2, PL504-6 Rev P2, PL505-1 Rev P2, PL505-2 Rev P2, PL505-3 Rev P2, PL506-1 Rev P3, PL506-2 Rev P3, PL506-3 Rev P3, PL506-4 Rev P3, PL506-5 Rev P3, PL506-6 Rev P3, PL507-1 Rev P2, PL507-2 Rev P2, PL507-3 Rev P2, PL507-4 Rev P2, PL507-5 Rev P2, PL508-1 Rev P2, PL509-1 Rev P2, PL509-2 Rev P2, PL509-3 Rev P2, PL509-4 Rev P2, PL510-1 Rev P2, PL510-2 Rev P2, PL510-3 Rev P2, and PL510-4 Rev P2) as modified by other conditions of this consent.

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

- 3) No more than 65 of the dwellings included within this application shall be occupied until the road outside plot 246 has been constructed up to the boundary of the applicant's land ownership with the adjoining land to the south (safeguarding a potential bus route), as indicated on Drawing Number 120 Rev P7, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the full extent of the road up to the said boundary shall be included within any Highway Adoption agreement in respect of this development.

**Reason:** To provide adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.

- 4) The pedestrian/cycle connections from the development to the adjoining combined foot/cycle path, located adjacent to plot 247 and between plots 262 & 263, shall be constructed and made available for use by the public in accordance with details (including a timeframe) that shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of 50% of the dwellings included within this application.

**Reason:** In the interests of permeability and maximisation of opportunities for the adoption of sustainable transport choices in connection with both travel to work and recreation by residents of the development and their visitors.

- 5) The acoustic fence along south-east boundary of the site between plots 205 and 246, as indicated on drawing no. 121 Rev P4 (Materials & Boundary Treatment Plan), shall be constructed prior to occupation of any dwellings bordering it in accordance with further details/specification which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the residential amenities of the potential occupants of those properties bordering the adjoining commercial land, and to protect the interests of the adjoining land owner in relation to the carrying out of lawful operations associated with the commercial use of the adjoining land.

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

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223