

# Planning Committee Report 19/1375/OUT

- 1.0 Application Number:** 19/1375/OUT  
**Applicant:** Salter Development  
**Proposal:** Outline application for up to 200 dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration).  
**Site address:** Hill Barton Farm, Hill Barton Road, Exeter.  
**Registration Date:** 20/11/2019  
**Link to application, drawings/plans:**  
<http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PYR4E5HBLCB00>  
**Case Officer:** Paul Jeffrey  
**Ward Members:** Cllrs Harvey, Cllr Oliver and Cllr Wood (Pinhoe Ward)

REASON APPLICATION IS GOING TO COMMITTEE – Major application contrary to development plan policy

- 2.0 Summary of Recommendation:** DELEGATE to REFUSE permission.
- 3.0 Reason for the recommendation:** as set out in Section 18 at end

The application fails to provide an acceptable level of affordable housing and no Section 106 Agreement has been submitted to meet the requirements for highway and education financial contributions or secure an acceptable provision of public open space.

## 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	Site lies within the Monkerton and Hill Barton Strategic Residential Allocation of the Core Strategy. Site previously granted outline consent for residential development but this permission has now lapsed.
Affordable Housing	Applicant has proposed a 10% level of on-site affordable housing.
Access/Impact on Local Highways and parking provision	Existing highway problems identified but subject to suitable conditions and meeting obligations within the Section 106 Agreement no objections are raised by the County Highway officer.

Scale, design, impact on character and appearance	Although the layout is not acceptable as currently submitted it is only illustrative at this stage. It is anticipated that a future reserved matters application could address any design concerns and result in a scheme which will be appropriate in context of the character of existing development in the locality.
Impact on Heritage Assets	No significant heritage assets impact affected, subject to a suitable condition being imposed.
Impact on Trees and Biodiversity	Limited impact. Scheme to incorporate appropriate mitigation and enhancement
Flood Risk and Surface Water Management	Devon Flood Team have consider that subject to suitable conditions being imposed the proposed approach is considered acceptable.
Sustainable Construction and Energy Conservation	Appropriate standard to be secured through condition
Economic benefits	Affordable housing and financial contribution towards highways/ education provision, and jobs in construction related industries
CIL/S106	CIL generated and S106 to secure relevant benefits identified above.

## 5.0 Description of Site

The application site (4.65ha) is located to the west of the Met office beyond the recently approved scheme for 47 units by Persimmon Homes. Access to the site is from Hill Barton Road through recently constructed residential estates, which form part of the Hill Barton development. Vehicular access to the site is achieved via a new road from the reconfigured roundabout on Hill Barton Road. The site is located within an area identified for housing as part of the Monkerton and Hill Barton Strategic Allocation in the Core Strategy. The site is currently open undulating land under arable cultivation and hedges along the boundaries.

## 6.0 Description of Development

The proposal relates to the development of the site for 200 dwellings comprising a mix of terraced, semi-detached, detached properties and apartments of 1, 2, 3, 4 and 5 bed units. The illustrative layout indicates that all dwelling are proposed to be either two or two and a half storeys in height and three storeys for the apartments with parking for each dwelling located within either garages or

parking spaces to the front or side of the property and within parking courts. The original submission proposed a total of 150 open market houses and 50 affordable units (35 social rent and 15 intermediate rent which represents a 25% affordable housing provision). However following a recent viability appraisal the applicant has concluded that the scheme can only generate a 10% level of affordable housing on site. The application is also for a new access road through the Hill Barton estate, which will serve this development and future residential schemes as identified in the Monkerton and Hill Barton Masterplan.

The application is for outline permission with all matters reserved except for access. However the application is accompanied by a detailed layout with a design and access statement, which provides a detailed breakdown of the proposed house types and location. However it should be noted that as the application is in outline these details can only be considered for illustrative purposes only and thus there is no guarantee that this scheme would be built as designed.

A section of public open space is indicated as located alongside the cycleway to the south of the site and on two smaller areas located within the site. It is proposed that the main area of open space for the Hill Barton estate development will be provided as part of a separate planning application for the remainder of the development to the north within the ridge park, as identified in the masterplan. This application has yet to be submitted.

A new railway station has been identified to the south of the site beyond existing housing development within the Hill Barton Estate. This is to be safeguarded as part of this development, which accords with previous permissions approved for the Hill Barton development.

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

The application is accompanied by the following supporting information:

- Planning Statement
- Design & Access Statement
- Transport Statement
- Affordable Housing Statement
- Utilities Statement
- Statement of Community Involvement
- Ecological Impact Assessment
- Tree/hedgerow schedule
- Noise Assessment
- Archaeology Summary Note
- Phase I Environmental Desktop Report
- Flood Risk Assessment

## 8.0 Relevant Planning History

Outline planning permission ([12/0472/OUT](#)) was approved for 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 reserved for future consideration apart from access) on 29 November 2013.

Planning permission was granted for 47 dwellings ([19/0699/FUL](#)) at Planning Committee in October 2020 for the adjacent site including a Section 106 Agreement to secure 35% affordable housing, highways and education contributions.

## 9.0 List of Constraints

Smoke Control Area.  
Potential Contaminated Land.  
Aerodrome Safeguarding Area.  
Met Office Safeguarding Area.

## 10.0 Consultations

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

**Highways England** comment that due to the location of the Hill Barton site, located 0.8 kilometre from the M5 motorway, and nature of the development proposals, the applications have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), and particularly M5 Junction 29.

A Transport Assessment Addendum dated September 2019 prepared on behalf of HB Land Ltd which considers an amended split in development quantum. Whilst the combined development remains at 550 dwellings, the Addendum document refers to revised application proposals comprising: a full application for 51 (*now 47 units*) dwellings (Persimmon Homes), a full application for 200 dwellings (*Salter developments ref 19/1375/OUT*), and an outline application for 299 dwellings (*to be submitted shortly*).

With 300 dwellings delivered at the site to date, the combined proposals for an additional 550 dwellings would represent an increase of up to 100 dwellings over the original outline planning consent for 750 dwellings. Nevertheless, the current applications for 200 (*the Salters Development 19/1375/OUT*) and 47 dwellings respectively remain within the quantum of development permitted by the original outline permission (12/0472/OUT). On this basis the current proposals are considered to have no greater impact than that of the previously permitted scheme proposals.

Whilst the current applications for development at the Hill Barton site remain within the quantum of development permitted by the 2013 outline consent, it is indicated that a forthcoming application will seek to increase the number of permitted dwellings on the site. Any future application will need to demonstrate the relative impact of increased housing on the A30 Honiton Road/Moor Lane signalised roundabout and Junction 29 of the M5, to demonstrate that the increase in development would not have a significant impact on the safe and efficient operation of the SRN. This may necessitate the preparation of additional capacity assessments to demonstrate junction performance in the development opening year.

Highway Agency recommends that on the basis that the current application remains within the quantum of development permitted by the 2013 outline consent, the current proposals are considered to have no greater impact than that of the previously permitted proposals.

Highways England recommends that a planning condition be attached to any consent the planning authority is minded to grant in respect of application reference 19/1375/OUT to the effect that:

*No dwelling for which planning permission is hereby granted shall be occupied unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Highways England).*

*Reason: in the interest of the safe and efficient operation of the M5 motorway.*

**County Head of Planning, Transportation and Environment (Highways)** comment that the application is for the construction of up to 200 dwellings including access at Hill Barton, Exeter. The wider development area received outline planning permission for 750 dwellings (ECC Planning Ref: 12/0472/OUT). Outline consent was granted for this site in 2013. This application has since lapsed; permission has been partially implemented, with approximately 300 residential dwellings delivered to date and therefore it is now understood that the remaining parcels of the remaining site are coming forward in piecemeal.

With 300 dwellings delivered at the site to date, it has been proposed that 550 dwellings may come forward, an increase of up to 100 dwellings over the original outline planning application, giving a total of up to 850 dwellings at Hill Barton

*Trip Generation* - The previous trip rates have been used in the submitted transport that has been submitted which looks at the impact of the total quantum of development that may come forward. Trip rates of 0.3 outbound and 0.1 inbound have been used in the AM peak with the PM peak rates being reversed giving a two-way trip rate of 0.4 trips per dwelling in each peak period. For this application, consisting of up to 200 dwellings this results in 80 two trips. Given

the previous lapsed consent allowed up to 750 dwellings, the trip generation for this specific site cannot be used as a reason for refusal.

*Access* - Primary pedestrian, cyclist, and vehicular access will be via the Hill Barton Roundabout, which provides a connection to Hill Barton Road. To supplement the primary vehicular access, an emergency access to Woodland Road will be delivered, giving resilience to the site's access strategy; however, this does not form part of this application.

*Vehicular Access* - Access from the Hill Barton Roundabout to the site does form part of this application though; some of the access roads have been built under the first phase of Hill Barton are in situ. However, associated highway infrastructure has been approved (new spine roads) as part of planning application number 19/0699/FUL, where primary points of vehicular access to this development is taken from.

Two points of primary vehicular access are proposed; one to the west of the site and the other to the north. These access points meet visibility splays (2.4 x 43m) and can be seen on Drawings "PHL-901 Rev D" and "PHL-902 Rev C". The junction type for both accesses are raised and have tight radii, allowing for better pedestrian/cycling crossing facilities and to slow vehicles down upon entry into the any reserved matter parcel. Both access points indicate a 4.8m vehicular carriageway width, sufficient for two cars to pass.

In addition to the primary access points, the indicative site plan shows there will be dropped kerb access points serving driveways on the spine roads surrounding the site. The adjacent application has introduced speed calming measures by the way of raised tables at crossing points to this parcels (as shown on Drawing PP01 HB) reducing the speeds of vehicles on the link road, but the applicant is reminded that any driveway (forming part of a reserved matters submission), must meet appropriate visibility standards and appropriate access points.

*Pedestrian and Cycle Access* - The Hill Barton Master plan shows that direct links to adjoining sites must be made and one key link was a footway/cycleway from Membury Crescent to the application site. Many site visits have been made and it is clear to see there is a height difference and therefore the applicant has been unable to make this connection.

To compensate for this loss, the applicant has introduced a new crossing point from Myrtlebury Road to the application site. With this, there will be a 3m footway/cycleway to the western access point together with a 0.5m no build zone. This zone provides a 3m effective width footway/cycleway (as per the DfT guidance) into the site and such infrastructure should carry on through any reserved matters parcel. This is shown on Drawing "PHL-901 Rev D"

The red line encompasses a new footway to the north of the site and is shown on Drawing "PHL-903 Rev D". This provides a 2m wide footway along the frontage connecting into existing infrastructure. Similarly, to Drawing "PHL-901 Rev D", "PHL-903 Rev D" shows a 3m footway/cycleway together with a 0.5m no build zone. For the same reasons as above this is acceptable and should carry on through the site.

Drawing "PHL-903 Rev D" shows a future potential crossing point at the top of the site (within the red line boundary); the site layout shows a cycleway ending at a footway with no details of how this connects into adjacent parcels. Continuous cycleways linking up parcels is a key element of good planning and therefore more details prior to any forthcoming parcel is required and conditioned. The relationship between the cycle crossing and any junction will need to be considered.

Finally, the applicant should be joining pedestrian and cycle facilities provided as part of planning application number 19/0699/FUL and the existing Hill Barton allocation. The applicant has provided an indicative plan (Drawing PP01 HB) showing indicative connection points to adjacent parcels. It is expected that these connections are at least 3m effective width in any forthcoming reserved matters, meeting DfT guidelines.

*Bus Access* - As a strategic site, this site as per the previous outline consent will need to be served by bus; this is in order to alleviate the impacts of the development and justify the low trip rates used. Discussions with Stagecoach have led to believe that a bus route is feasible that runs adjacent to this parcel of Hill Barton.

Bus tracking diagrams were produced as part of planning application number 19/0699/FUL; this showed that forward visibility will have to be considered with this application. The diagrams showed an adoptable verge that is required to protect forward visibility and to ensure safe and suitable access can be achieved for vehicles using the spine road. This adoptable verge is required and will have a direct implication on a reserved matters submission.

In addition to this, there is no indication regarding the positioning of bus stops. It has been recommended that a strategy for the whole site is undertaken to position these, but this remains absent as part of this application; therefore, a condition is imposed to secure details of the type and exact positioning of the bus stop.

*Oberon Road* - As acknowledged in the Transport Assessment and through the previous consent, a link to accommodate all vehicles is required. It is once again reminded that the applicant builds any road to the red line boundary. This does fall outside of the Red Line boundary of this application, but to provide permeability through the whole site, such a connection should be made.

*Internal Roads and layout* - Well-designed residential streets are central to sustainable development and therefore the design of the internal road layout must accord with the principles of Manual for Streets and appropriate sustainable design guidance.

The applicant is advised that car parking standards are set out in the Exeter City Residential Design Guide and that secure cycle parking facilities will need to be in accordance with chapter 5 of Exeter City Councils Sustainable Transport Supplementary Planning document.

As an outline application these details are reserved for approval at a later stage. However, to ensure a suitable layout it is recommended that the applicant liaises with the highway authority prior to any application for reserved matters approval. The applicant should provide appropriate footway/cycleway connection points and infrastructure through the site itself to then enable a coherent approach to adjacent estates.

*Transport Contributions* - As highlighted in the previous outline consent a series of mitigation measures are required in order to make any application at Hill Barton acceptable in highway terms. Consideration has been taken into account as some S106 monies have been invoiced as part of the original outline consent (750 dwellings), but as this has now lapsed new S106 items are required to take the application up to 850 dwellings.

All calculations have been based upon an extra 550 dwellings being delivered on this site. To act as a fair and reasonable approach, a per dwelling sum has been derived and in agreement with parties of other parcels within the strategic development, any shortfall will be subsidised by later parcels.

As set out in the Hill Barton and Monkerton Masterplan, sustainable transport is required to provide a choice of routes to help distribute traffic away from busy parts of the local road network and provide convenient connections to key services and facilities including schools, jobs and shops. Key to this provision is the need for walking and cycling improvements in the area, the provision of a bus service through the site and travel planning.

Summary of the transport contributions are below. These have been based upon recent S106 requests in the Monkerton Area and have been agreed by the applicant.

	Per Dwelling
Pedestrian/Cycle Improvements in the surrounding area	£450
Bus Services	£981.82
Travel Planning	£500
Total	£1931.82

The developers have requested a flat rate per dwelling, and therefore it is recommended that the contribution is classed as a “transport contribution” where the above S106 request sum per dwelling can be used flexibly, serving a useful purpose and mitigating the development impact. This is a consistent approach to the previous consent. It is expected that 200 houses worth of S106 money is to be contributed from the applicant.

In addition to this a Traffic Regulation Order (£3,500) is required to facilitate Double Yellow Lines through the estate; this is to help and enable buses to run through the site. It is acknowledged that this amount is not enough to implement TRO’s for the whole site and therefore similar requests will be made from forthcoming parcels.

*Construction* - To minimise the impact on the adjacent highway, construction traffic and arrangements should be carefully managed. This includes ensuring space is made on site to contain operatives vehicles. These arrangements should be secured by condition.

In summary, it is considered that this standalone application is not considered a severe impact on the highway. Much emphasis has been put on the accessibility of the site and its relation to other parcels/philosophies set out in the Hill Barton Masterplan and it is believed that the site has maximised permeability at this stage and is acceptable subject to appropriate conditions/S106 contributions.

**Devon County Flood Team** comment that they have no in-principle objections assuming that appropriate conditions are imposed on any approved permission:

Following the previous consultation response (FRM/EC/1375/2019; dated 17th January 2020), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in a final e-mail dated 22nd September 2020.

The applicant must consider above-ground features at the next stage of planning. Multiple features will provide a SuDS Management Train to treat surface water. Above-ground features can also be designed to be attractive and useable. Annotated cross-sections for these features should be submitted. The applicant should consider green roofs, living walls and rainwater harvesting where possible, such as for apartment blocks and community building's. The applicant must assess the topography and layout of any Public Open Space. If it is likely that Public Open Space will drain into the surface water drainage system for larger rainfall events, then this should be accounted for within the surface water drainage system. At the next stage of planning, the applicant will need to provide further details to confirm the maintenance of the surface water drainage system.

Before the layout of the sites are fixed, the applicant will need to assess the exceedance flows. The site layout should be designed around the exceedance flows to ensure that exceedance flows are managed safely.

**Met Office** comment that their assessment of the proposal has been carried out on the basis of the proximity of the proposed development to the Met Office satellite reception facility. No objection is raised subject to the inclusion of suitably worded planning conditions to address the following issues:- namely the developer to agree to minimise the risk of interference to the Met Office satellite reception facility; a detailed plan outlining how vehicles, machinery and other equipment involved in the construction phases of the scheme will be deployed and managed to prevent interference and obstruction to Met Office satellite receivers and removal of permitted development rights in respect of mobile base stations. They wish to be consulted on the discharge of all reserved matters relating to this outline scheme.

**Royal Devon and Exeter NHS Foundation Trust** have submitted a lengthy consultation response setting out the background and justification behind a request for a S106 financial contribution of £257,873 (based on the submission for 200 dwellings) towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit in the development.

**Police Designing Out Crime Officer** comment that they cannot support as they have shown to increase the potential for crime and anti-social behaviour (ASB) as well as the fear of crime and ASB.

*Rear Service Alleyways* - A main concern is the number of open alleyways that provide access to the rear of plots. Research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the houses. Therefore it is vital that this issue is addressed. The example highlighted below is of particular concern as the paths service a very high number of plots, access to the rear is unrestricted, there are multiple open access points and to some extent poor lines of sight.

Guidance recommends that such alleyways should service no more than four houses; must be gated at the entrance to the path as close to the building line as possible with a coded or key operated lock, with a self-closer installed. They must not be easy to climb or remove from their hinges; provide good lines of sight and are adequately lit at the gates.

Unless the rear service alleyways on the development are either designed out or redesigned with the above attributes, the police liaison officer cannot support this application.

*Rear Parking Courts:* Vehicle parking will clearly be through a mixture of solutions. From a crime prevention point of view, parking in locked garages or on a hard standing within the dwelling boundary is preferable. Generally the parking

arrangement in the development have been allocated effectively with spaces that are well overlooked and in close proximity to dwellings.

The exception to this is the four rear parking courts. Rear parking courts are generally discouraged as they provide access to vulnerable rear elevations of dwellings and are often left unlit with little surveillance. If parking courts are considered for residential parking then these must be very well designed. They should only serve a small number of units and surveillance opportunities should be maximised and supported by appropriate lighting.

The apartments adjacent to the two larger parking courts (rear of plots 1-12 & 125-136) must have active rooms overlooking the space. The court must be well-lit and the boundary treatments of the rear gardens abutting the space should be a 1.5m fence/wall supplemented by a 0.3m trellis in order to improve surveillance opportunities.

The two other rear parking courts serve fewer plots however, they must still be afforded appropriate lighting and the abutting gardens the same boundary treatment outlined above. Automated gates could also be considered.

However overall it appears that the layout will provide overlooking and active frontages to the new internal streets and public open space which is welcomed.

**ECC Environmental Health** recommends conditions relating to a Construction and Environmental Management Plan, land contamination, noise and air quality mitigation (in particular given the proximity of the Met Office) and external lighting.

**ECC Principal Project Manager (Heritage)** comments that the archaeological remains, as identified by works to date, as set out in the report submitted with this application, are present within the application site. They are not a constraint on the principle or layout of the proposed development, but should be fully excavated and recorded in lieu of their destruction, as the remains on adjoining sites (e.g Rougemont Park, and phase I of the Persimmon developments) have been, in line with NPPF policy, saved local plan policy C5, and draft policy DD28, and the adopted SPG.

These works can either be secured by approving a written scheme as part of the application documents, if the applicant submits one up front, or by attaching a pre commencement condition (the standard C57/A38) to a planning permission requiring the submission and approval of a written scheme of archaeological work before commencement of development related activity on site.

The scope of work required has been discussed with the applicant's archaeological advisor which would include a) some further trial trenching to fill in the gaps in the coverage to date b) extensive areas of topsoil stripping and full excavation and recording, in areas of known prehistoric and Roman remains, together with any further areas required as a result of the trial trenching.

All to be undertaken before the commencement of any other development related ground works on the site, including for temporary haul roads or site compounds and c) the normal completion of the analysis, conservation, reporting and archiving of the results and finds, with scope dependant on the significance of the latter. And full discharge or signing off of the works on completion by ourselves, re. compliance with the planning permission/condition.

It is crucial that the archaeological work is sorted out and undertaken before construction ground works commence, including any works to create temporary haul roads or any new site compound areas.

**DCC Education (Children's Services)** has identified that a development up to 200 family type dwellings will generate an additional 42.5 primary pupils and 25.5 secondary pupils which would have a direct impact on the primary and secondary schools in Exeter.

When factoring in both approved but unimplemented housing developments, as well as outstanding local plan allocations, DCC has forecast that with the opening of Monkerton Primary School from September 2020, local primary schools and early years providers have sufficient spare capacity for the pupils expected to be generated by this development. DCC therefore do not need to request primary or early years contributions against this application.

However, DCC has forecast that local secondary schools have not got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek contributions towards additional education infrastructure to serve the address of the proposed development in order to make the development acceptable in planning terms and to mitigate its impact. The contributions sought are detailed below:

It is set out in DCC's Education Section 106 Infrastructure Approach, that Special Education (SEN) contributions are sought on larger developments or developments that form part of a larger allocation. As such DCC will request SEN contributions against this development. Approximately 1.5% of the school population require SEN provision. Therefore this development is likely to generate 1.02 pupils who will require a specialist place. DCC will therefore request for additional primary and secondary SEN provision that will be required as a result of the development. The SEN request total of £24,746 (based on the DfE new build secondary rate of £24,261 per pupil) is equivalent to 0.64 primary pupil and 0.38 secondary pupils. This equates to a per dwelling rate of £145.56.

We have forecast that there is enough spare secondary capacity to accommodate 5.98 pupils at the local secondary schools. Please note that DCC will not seek additional secondary contributions on SEN pupils and therefore will only seek a contribution towards the remaining 19.14 pupils expected to be generated from this development. The secondary contribution sought would be

£464,355 (based on the DfE new build rate of £24,261 per pupil). This equates to a per dwelling rate of £2,731.50. The contributions will be used towards new secondary provision at South West Exeter. This new provision will release capacity at existing secondary schools across the city.

In total contributions to educational provision will be £146.56 per unit for special education and £2,731.50 per unit for secondary) based on 200 dwellings this would provide a total of £575,612.

**RSPB** comment that they are disappointed that the scheme does not meet the requirements of the Residential Design Guide which specified 1 bird box per unit rather than the 1 bird box every 3 dwelling which is proposed by the applicant.

**Exeter Cycling Campaign** support the proposed cycle routes through the development and links to adjacent routes. In particular the proposed connection to the south and the proposed route along the eastern boundary appear to be well integrated with cycle routes through the development.

## 11.0 Representations

6 emails of objections have been received, raising the following issues:

1. Inadequate transport infrastructure;
2. Existing parking on roads leads to limited visibility into the estate;
3. Need for train station to serve the Hill Barton estate;
4. Insufficient recreational and green space;
5. Too dense/overdevelopment of the site;
6. Increased traffic will create a safety risk close to existing children's play area;
7. Detrimental impact on landscape;
8. Loss of natural light due to close proximity of dwellings;
9. Loss of vegetation/hedgerows;
10. Constraints and opportunities plan misleading;
11. Limited ability for tree planting;
12. Proposed pedestrian links within the site appear fragmented

## 12.0 Relevant Policies

### Government Guidance

National Planning Policy Framework (NPPF) (February 2019)

2. Achieving sustainable design
3. Plan making
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

16. Conserving and enhancing the historic environment

**Core Strategy (Adopted 21 February 2012)**

Core Strategy Objectives

CP1 – Spatial Strategy

CP3 – Housing

CP4 – Density

CP5 – Mixed Housing

CP7 – Affordable Housing

CP9 – Transport

CP10 – Meeting Community Needs

CP11 – Pollution

CP12 – Flood Risk

CP13 – Decentralised Energy Network

CP14 – Renewable and Low Carbon Energy

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

CP18 – Infrastructure

CP19 – Monkerton/Hill Barton Area

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

AP1 – Design and Location of Development

AP2 – Sequential Approach

H1 – Search Sequence

H2 – Location Priorities

H3 – Housing Sites

H5 – Diversity of Housing

H6 - Affordable Housing

H7 – Housing for Disabled People

T1 – Hierarchy of Modes

T2 – Accessibility Criteria

T3 – Encouraging Use of Sustainable Modes

T5 – Cycle Route Network

T10 – Car Parking Standards

C5 – Archaeology

LS4 – Nature Conservation

EN2 – Contaminated Land

EN3 – Air and Water Quality

EN4 – Flood Risk

EN5 – Noise

EN6 – Renewable Energy

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 Development  
DG7 – Crime Prevention and Safety

**Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)**

W4 – Waste Prevention

W21 – Making Provision for Waste Management

**Development Delivery Development Plan Document (Publication Version, July 2015)**

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

DD1 – Sustainable Development

DD9 – Accessible, Adaptable and Wheelchair User Dwellings

DD13 – Residential Amenity

DD20 – Accessibility and Sustainable Movement

DD21 – Parking

DD22 – Open Space, Allotments, and Sport and Recreation Provision

DD25 – Design Principles

DD26 – Designing out Crime

DD28 – Conserving and Managing Heritage Assets

DD30 – Green Infrastructure

DD31 – Biodiversity

DD33 – Flood Risk

DD34 – Pollution and Contaminated Land

**Exeter City Council Supplementary Planning Documents**

Affordable Housing SPD (April 2014)

Archaeology and Development SPD (Nov 2004)

Sustainable Transport SPD (March 2013)

Planning Obligations SPD (April 2014)

Public Open Space SPD (Sept 2005)

Residential Design Guide SPD (Sept 2010)

Trees and Development SPD (Sept 2009)

**Other documents**

Monkerton and Hill Barton Masterplan Study November 2010.

**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 accessible via the Council's website.

It is acknowledged that there are certain individual properties where there may be some adverse impact and this will need to be mitigated as recommended through imposing conditions to ensure that there is no undue impact on the home and family life for occupiers. However, any interference with the right to a private and family life and home arising from the scheme as 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 the provision of homes, including affordable housing and economic benefits.

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 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 Equalities 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 this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

## **15.0 Financial benefits**

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.

### Material considerations

Affordable housing, 10% proposed.

Highway contributions of £1931.82 per dwelling towards pedestrian/cycle improvement, bus service provision and travel planning.

Contributions to educational provision will be £146.56 per unit for special education and £2,731.50 per unit for secondary. Based on 200 dwellings this would provide a total of £575,612.

Proposal will create jobs in construction and related industries.

### Non material considerations

CIL contributions -The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is CIL liable.

The rate at which CIL is charged for this development is proposed to be £118.93 per sq. metre plus new index linking for 2021. 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.

## 16.0 Planning Assessment

The key issues are:

1. The Principle of the Proposed Development
2. Affordable Housing
3. Scale, design, impact on character and appearance
4. Access/Impact on Local Highways and parking provision
5. Impact on Heritage Assets
6. Impact on Trees and Biodiversity
7. Flood Risk and Surface Water Management
8. Sustainable Construction and Energy Conservation
9. Education
10. Met office requirements

### 1. The Principle of the Proposed Development

The application site is located within the Monkerton and Hill Barton Masterplan Study 2010 and allocated for housing within the Monkerton and Hill Barton Strategic site allocation within the Core Strategy. The site formed part of a wider area granted planning consent for residential development in 2013 under planning application 12/0472/01. Neighbouring sites have received reserved matters approval and are either built or occupied or under construction. Whilst these development site were determined with the time specified within the outline application, this consent has now expired.

It is accepted that the site meets the principle for housing as sustainable development in accordance with the requirements of the NPPF and adopted local policies. It is accepted that the Council does not have a current 5 year housing land supply, which would normally 'tilt' the determination towards permission unless other material considerations indicate otherwise. Advice is contained with paragraph 11 of the NPPF which sets out the criteria for the determination of sustainable development.

Paragraph 11 applies a clear presumption in favour of sustainable development particularly where proposals include the provision of housing where the authority cannot demonstrate a 5 year housing land supply position. This indicates that permission should be granted. Consequently clear justification to refuse permission can only be warranted if granting permission would "*significantly and demonstrably outweigh the benefits*". It is thus necessary to weigh up the balance of issues and policies in accordance with the requirements of paragraph 11 of the NPPF.

Applications that appear to fulfil the presumption in favour of sustainable development have resulted in several court cases, notably in the Supreme Court ruling of *Suffolk Coastal DC v Hopkins Homes and SSCLG (2016)*. This case confirmed that where a council does not have a 5 year housing land supply, housing policies are deemed to be 'out-of-date'. However, this judgement goes on to state that the fact that a policy is considered out of date does not mean it can be disregarded, but it means that less weight can be applied to it with the level of weight given to be a matter of planning judgement. The Supreme Court judgement confirmed that for the purposes of applying a tilt in favour of sustainable development, known as the 'tilted balance' (NPPF Para. 11(d)), policies of the development plan will remain applicable, but it will be for the local planning authority to determine the balance of policies for the protection of environment and amenity against the need for housing and the economy. In the absence of a 5 year housing land supply the above case law and NPPF require that the decision be considered with a tilt towards granting of sustainable development, unless other material considerations indicate otherwise. The presumption in favour of sustainable development must therefore be applied unless there are material considerations to suggest otherwise.

It is clear that the scheme as submitted for 200 dwellings would contribute towards the Council's shortfall of deliverable housing sites in the area and generate a Community Infrastructure Levy and provide highway and education financial contributions to support this scheme. However as previously stated an out of date plan does mean that policies can be disregarded particularly where the issues raised correlate with existing national planning policy. Consequently whilst the benefits of the scheme are acknowledged it is not considered that they outweigh the serious shortcomings in providing an appropriate level of affordable housing at the level proposed by the applicant. The report will outline the concerns raised in respect of this proposal.

## 2. Affordable Housing

Core Strategy Policy CP7 and the Affordable Housing SPD requires 35% of the total number of units on sites to be for affordable housing. The submitted application contained an affordable housing statement which concluded that the level of affordable housing should be 25% as previously agreed in the Hill Barton outline application approved in 2013. The applicant has provided example of case law, which states that previous consents are material planning consideration and stresses the importance of a consistent approach by local authorities to ensure the delivery of housing. The applicant has highlighted that since 2013 there has been additional costs in terms of the imposition of CIL, increase in construction costs, uncertainty regarding Brexit and a decline in house prices. However whilst it is accepted that planning history is a material consideration it is also relevant to consider national guidance which has been produced notably the NPPF in 2019. This continues to identify the role of producing a viability assessment to demonstrate the acceptability of a scheme,

which does not accord with the development plan. It states in paragraph 57 that *'...the weight to be given to the viability assessment is a matter for the decision maker, having regard to all the circumstance in the case...'*

The applicant was requested to undertake a viability assessment to justify their submission of 25% affordable housing provision. This would substantiate the applicant's departure from development plan policy in respect for the need for 35% onsite affordable housing provision. If an agreed viability assessment had concluded that a reduced affordable housing provision was warranted to enable the development of the site, this would have been a significant factor in the consideration of the application. However following extensive discussions between both parties, the Council's independent viability assessor has concluded that a 35% affordable housing provision is achievable taking into account all material considerations whilst the applicant's viability consultant has arrived at a 10% level.

These discussion have been carried out with the insistence from the developer that the assessment be based on the layout submitted with the application for 200 houses. This layout has been produced in considerable detail indicating the siting and size of the units. However it should be noted that the proposed application is for outline consent with all matters reserved except for access. Consequently the submitted layout is for illustrative purposes only. Although not for detailed assessment, it is considered that the layout is unacceptable in its current form and therefore amendments would be requested if this did form part of the application. It has therefore been suggested that rather than rely on an unacceptable layout and house types, which has given rise to significantly high abnormal costs due to the engineering works associated with the extensive cut and fill and piling to achieve the applicant's suggested layout, an alternative arrangement be considered. The Council's viability consultant has therefore provided an alternative mix of dwelling types, which retains the same number of units at 200 but reduces the overall floor area by approximately 6.6% in order to assess whether greater profitability and hence an increased affordable housing offer could be achieved. This modelling concluded that a more flexible approach to the layout submitted would indeed provide a greater return whilst still creating the applicant's proposed 200 units on the site.

The Council's viability assessor has concluded that the site can achieve 35% affordable housing, which has taken into account the undulating nature of the site and has accepted that there are particular challenges which has increased the abnormal costs. However it is the applicant's promotion of this layout and house types as the basis for the assessment which has added to these costs and resulted in their viability consultant concluding that only 10% affordable housing is viable for this site. It should be noted that recent residential schemes in the Hill Barton/Monkerton area namely Barratt Homes at Harts Lane (2015) ,Strongvox at Pilton Lane (2016), Taylor Wimpey development on the west side of Cumberland Way (2018) and in particular Persimmon Homes (2020) on the

adjacent site have all been approved with a policy compliant 35%. Whilst it is accepted that viability modelling should take account of specific land use constraints within a site, it should not include individual requirements such as layout and house type preferred by the applicant. The relevant Planning Practice and RICS Guidance notes that planning consents are not personal; and that viability assessments should be based on “*standardised inputs*” and “*industry benchmarks*”. Viability assessment “*should in general be based around market-rather than client-specific information*”; and should “*disregard either benefits or disbenefits that are unique to the applicant*”. Planning permission is assessed on a land use basis rather than the preferences of a particular developer as sites can be sold on, with planning permission, to a different developer without the need for a new application.

In summary, it is accepted that the site previously has an outline consent which required a 25% affordable housing provision but this has now lapsed. Whilst a decision was taken to reduce the development plan affordable housing provision from 35% to 25% in 2013, it is considered reasonable in accordance with the NPPF to reappraise this figure given the submission of a new outline application. Following the viability appraisal the applicant has now offered an affordable housing provision of 10% a significant reduction from the 25% submitted with the application with their affordable housing statement and less than the policy compliant requirement for 35%. The reduction is based on the applicant’s insistence that the illustrative layout, which is accepted includes significant abnormal cost, forms the basis for the viability assessment. The Council’s assessor has factored these costs into the viability modelling and still concluded that the site could achieve on-site 35% affordable housing provision, meet highway and education contributions and CIL payments.

It is regrettable that an agreement on the level of affordable housing has not been found, as the principle of the site for housing development is established by virtue of the Core Strategy. The viability approach does provide an opportunity for a reduced level of affordable housing to be explored, if this prevents the delivery of housing. However the offer of 10% affordable housing provision is significantly below an appropriate level particularly given the Council’s viability consultant conclusions that 35% should be achievable. Given that up to 300 additional dwellings are anticipated on the remainder of the Hill Barton allocation with similar land use constraints, it is considered that if 10% as proposed is accepted this would create a precedent which other developers would reference. Consequently it is considered that the refusal of the application is warranted.

### 3. Scale, design, impact on character and appearance

This is an outline planning application with all matters reserved for future consideration except access. Consequently the submitted details provided are solely for illustrative purposes. However as stated above the applicant’s approach to affordable housing provision is essentially based on the details

contained with these layout/house type details. Whilst any concerns would normally be raised at the detailed reserved matters stage given the reliance on these drawings by the applicant it is considered necessary to highlight elements of the scheme which are unacceptable

Overall the layout appears car parking dominated leading to long stretches of parking in front of dwellings alongside the main spine and internal road which would detract from the overall character of the streetscene and prevent the layout from creating a sense of place that would provide a distinctiveness or identifiable character. In addition, dwellings which allow minimal space between the parking space and the front and sides of the houses do not allow for sufficient areas of landscaping which can help 'soften' streetscene. In addition, the scheme includes a number of rear parking courts, which has been highlighted by the Police liaison officer as offering a poor design solution and has the potential to lead to anti-social behaviour. These spaces are often positioned away from the dwelling they serve and therefore their usability is questionable. Whilst it is accepted that these elements can provide a design solution for part of the site, as submitted, too many areas rely on these arrangements. Consequently it is considered that the scheme appears as a car dominated layout and is of poor design and would represent a poor level of amenity for future residents. If this design layout approach was progressed, it is considered that the number of units would need to be reduced to provide greater flexibility of parking to housing. The overall arrangement as currently submitted would appear as an overdevelopment of the site

During the viability assessment it was highlight that to achieve the submitted layout considerable engineering works would be required given the undulating nature of the site's topography. Notwithstanding the considerable costs involved with creating a variable sloped area of land into a more level site, it is unlikely that a completely flat site would result. Therefore concern is raised regarding some of the limited gardens areas and 'back to back' distance as indicated on the layout and the impact this would have on the overall appearance of the estate and the individual relationships between dwellings, which could be detrimental to the residential amenity of future residents. Given the layout is for illustrative purpose only, further details of the proposed levels have not been requested however based on the information submitted it remains an issue which requires particular attention due to proposed layout and existing topography.

It is noted that the areas of public open space within the site are very limited and effectively will only provide amenity for the neighbouring properties and not the wider community. Whilst a larger area of open space is shown to the south east this area will create a landscaped setting for the pedestrian/cycle route rather than provide an area where future residents are able to sit or use. Consequently it is considered that the public open space to serve this application falls below the 10% required to be policy compliant, The principal area of public open space is to be create to the north of the site with the ridgeline park in accordance with the

Monkerton and Hill Barton Masterplan. This area is currently being discussed to ensure it provides the strategic area of public open space, which the masterplan envisaged in terms of size and quality. This area will form part of any future planning application, which it is understood will be submitted shortly. Whilst this approach has been accepted within the assessment of previous residential applications on Hill Barton and anticipated in the original masterplan for the area there is concern that there are no guarantees at this stage that it will be provided. Clearly if that area is not forthcoming it would require the inclusion of more open space within the submitted application site, which would lead to further significant changes to the layout.

Accordingly it is considered that the proposed layout as submitted appears overdeveloped and it is considered exceeds the maximum feasible density taking into account site constraints and impact on the local area as defined within Local Plan Policy DG4. Whilst the number of proposed units is not objectionable in itself the design approach as submitted does not allow sufficient opportunity for the necessary space requirements to achieve a well-designed scheme as required by the NPPF and associated design guidance both at a national and local level. However as previously stated the issue regarding these matters would normally be addressed within any subsequent reserved matters application, if the outline consent was approved and consequently do not form a reason for refusal. These comments are therefore intended to demonstrate and support the inappropriateness of the layout as relied upon by the applicant as part of their affordable housing offer and seeks to offer advice for any revised proposal.

#### 4. Access/Impact on Local Highways and parking provision

Development at Hill Barton forms part of wider housing growth at Monkerton/Hill Barton promoted through the Exeter City Council Core Strategy. The land at Hill Barton site previously benefitted from outline planning permission (Local Authority reference 12/0472/OUT) for a mixed-use scheme comprising up to 750 dwellings and a local centre which was granted in November 2013. The outline permission has been partially implemented, with approximately 300 residential dwellings constructed on the site to date. The current application relate to the same site and would in part effectively update the extant permission (12/0472/OUT).

With 300 dwellings delivered at the site to date, the combined proposals for an additional 550 dwellings would represent an increase of up to 100 dwellings over the original outline planning consent for 750 dwellings. Nevertheless, the current applications for 200 and recently approved 47 dwellings respectively remain within the quantum of development permitted by the original outline permission (12/0472/OUT). On this basis the current proposals both the Highways England and the County Highway officer considered that the scheme will have no greater impact than that of the previously permitted scheme proposals.

The Highway officer has provided detailed comment in respect of this application and a summary is contained with section 10 of this report. Clearly the site has previously been identified in highway terms as suitable for this scale of development. Local residents have raised a number of highway related issues which the highway officer is aware of and detailed discussions have been held with the developer to achieve an acceptable highway arrangement. Following these discussions agreement between the highway officer and the developer has been reached and subject to conditions the highway arrangement is considered acceptable.

In summary, it is considered that with appropriate conditions this scheme is acceptable in highway terms. In addition, a financial contribution of £1931.82 per dwelling is requested through the 106 Agreement to meet improvements to pedestrian/cycle provision, bus service and travel planning for the wider area. The 106 agreement will also ensure the safeguarding of land for the future rail halt which formed part of the Monkerton and Hill Barton masterplan.

#### 5. Impact on Heritage Assets

The submitted method statement for a programme of archaeological work has been considered and the Heritage Officer is satisfied on the basis of this that there is no archaeological constraints on the principle or layout of the proposed development. There are no other heritage assets that will be affected by the proposal and therefore in this respect the scheme is considered acceptable subject to compliance with the standard archaeological condition.

#### 6. Impact on Trees and Biodiversity

Aside from the boundary hedgerows the site does not contain any significant trees or landscaping features. The other hedgerows forming the boundaries of the site will be retained as part of the development with additional native planting to fill in any gaps.

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to potential impact on the relevant SPA's. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

## 7. Flood Risk and Surface Water Management

The Devon County Flood Team has raised no objection in principle to the scheme subject to the imposition of suitable conditions. In particular they require the applicant to submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

## 8. Sustainable Construction and Energy Conservation

In line with Core Strategy policy a condition is proposed relating to sustainable construction to achieve a betterment in relation to the Building Regulations.

## 9. Education

Devon County Council as the educational authority has requested a financial contribution towards meet the increased demands on educational institutions as a result of this development. Contributions to educational provision will be £146.56 per unit for special education and £2,731.50 per unit for secondary. Based on 200 dwellings this would provide a total of £679.108 when indexed linked. This is to be secured via the Section 106 Agreement.

## 10. Met Office requirements

The Met Office has raised a number of concerns regarding the development given the close proximity of the site to their building. They have highlighted the importance of their role in providing essential operational forecast and warning services to UK stakeholders including defence and emergency services, such as flood risk. Consequently they are concerned that the works during the construction phase and following occupation does not impinge of their operational requirement. It is consider that many of these concerns will be addressed by adherence to the approval plans, which the Met Office has confirmed are acceptable in terms of siting and height. Any significance changes to these plans or use of the buildings will require the submission of a separate planning application when any concerns can then be reassessed. However it is considered appropriate to refer to the Met Office specifically in the CEMP and a condition removing permitted development rights for mobile base stations. In addition, an informative could be attached advising that the developer should contact the Met Office to discuss specific issues regarding their operational requirements prior to commencement. Were the application therefore to be approved it is considered that concerns can be addressed through conditions/informative.

## **CIL/S106**

The development is CIL liable and a S106 agreement will be required to secure the affordable housing provision, transport and education contributions and the provision of open space.

Community Infrastructure Levy: The residential development at the site will be liable for the payment of Community Infrastructure Levy (CIL). The proposed rate for 2021 is £118.93 per square metre (gross internal floorspace) and is applicable to all market housing within the development.

### **Section 106 Agreement:**

#### **Affordable housing**

To be agreed.

#### **Transport**

Safeguard the land for the Monkerton Railway Halt

Financial contributions required as follows:

Pedestrian/cycle improvements £450 per dwelling; bus service £981.82 per dwelling and travel planning £500 per dwelling. Total transport contribution per dwelling of £1931.82

50% of the contribution to be paid prior to open market houses being occupied and remainder to be paid prior to 80% of units occupied.

Traffic Regulation Order - £3,500 (to be paid at Devon County Council's request)

**Education** The total education sum will be £146.56 per unit for special education and £2,731.50 per unit for secondary). Based on 200 dwellings this would provide a total of £679,108 when indexed linked.

50% of the contribution to be paid prior to open market houses being occupied and remainder to be paid prior to 80% of units occupied.

**Open Space** No more than 75% of dwellings shall be occupied until the public open space (alongside the cycleway has been laid out in accordance with the approved plans. Prior to completion of POS areas, details of management company to be provided.

The request from the Royal Devon and Exeter NHS Foundation Trust for a financial contribution to be secured through a S106 agreement is one of a number of similar requests submitted by the Trust in respect of recent residential applications under consideration by the Council. Officers have responded generically to these requests outlining why it is considered that they are not considered to meet the necessary tests relating to S106 obligations, and consequently are not being sought in connection with these developments.

## 17.0 Conclusion

The site is allocated with the Core Strategy for residential development and therefore the principle of development is considered to be acceptable and will provide a significantly level of housing towards the Council 5 year housing supply deficient, which is to be welcomed. It is evident from the objections received from existing local residents that there are concerns about access and parking problems in the area. The County highway officer has provided a detailed response that recognises the issues raised and how these can be addressed through the imposition of planning conditions or through the 106 agreement. This includes financial contribution towards pedestrian/cycle improvement; bus service and the provision of travel planning for individual houses and the safeguarding of land for the future Monkerton railway station. The concerns of the Met Office could similarly be addressed through the imposition of conditions as suggested above.

However as this report sets out, the applicants are only proposing a 10% level of affordable housing, which represents just 20 dwellings if a total of 200 are built. Whilst it is recognised that some abnormal works/costs are likely to be associated with any development of this site, it is considered that the applicant's insistence on a layout and choice of certain house types, which would involve exceptionally high level of abnormal works/costs has contributed to the low level of their affordable housing offer and has led to reduction from their original submission offer of 25%. Were the applicants, or another developer, to take a different approach, the Council's independent viability assessor has concluded that 35% affordable housing should be achievable, whilst also meeting the development's CIL liability and other financial contributions requested by highways and education.

It is important that decisions made in 'viability' cases such as this should be evidence-based, and demonstrate a consistent approach. This development site does have certain topographical challenges, However the applicant has not shown that these are greater than the similar challenges posed on comparable sites in the Monkerton/Hill Barton development area, where other recent and ongoing development show that it is viable to deliver policy compliant schemes. The recent consent granted to Persimmon Homes on adjoining land, and the ongoing development of land to the north of Hollow Lane by Taylor Wimpey, are particular examples of this.

Based on that evidence it is reasonable to conclude that it is possible for the site to deliver a policy compliant development including 35% of the total number of dwellings as 'affordable' homes; and for the applicant to accept that a concession granted against that full policy requirement in the wake of the 2008/9 financial crisis, has now time-expired. Accordingly unless an improved level of affordable housing is forthcoming the officer recommendation is refusal of the application.

**18.0**

**RECOMMENDATION** Refusal for the following reasons-

*In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority which makes appropriate provision for the following matters Affordable housing, Open space provision Education contributions, Sustainable Travel Planning contribution Traffic Regulation Order contributions*

*the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 3, 5, 6 and 10, policies CP7, CP9, CP10, CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1, T3 and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.*