

# Planning Committee Report [21/1701/OUT)

## 1.0 Application information

Number:	21/1701/OUT
Applicant Name:	Mr Luke Salter
Proposal:	Outline Planning Application for construction of up to 285 dwellings with all matters reserved for future consideration (Access, Appearance, Landscaping, Layout and Scale).
Site Address:	Land For Residential Development At Hill Barton Farm Hill Barton Road Exeter
Registration Date:	4 November 2021
Link to Documentation:	<a href="https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=R22013HBJOQ00">https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=R22013HBJOQ00</a>
Case Officer:	Michael Higgins
Ward Member(s):	Cllrs Harvey, Oliver and Wood

REASON APPLICATION IS GOING TO COMMITTEE: Major application with objections.

## 2.0 Summary of recommendation

DELEGATE to GRANT permission subject to completion of a S106 Agreement relating to matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

## 3.0 Reason for the recommendation: as set out in Section 18 at end

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- Site forms part of a Strategic Housing allocation within the Council's Adopted Core Strategy
- Principle previously established through outline planning permission granted on 29/11/2013 via application reference no. [12/0472/OUT](#), although the time period for submission of 'reserved matters' has expired, hence this fresh application.
- Delivery of housing on this site forms part of the Council's 5 Year housing land supply

- The location is considered to be sustainable and the proposal is considered capable of being acceptable from a design and general visual impact perspective.
- The proposal is not considered to be of any significant harm to neighbouring residential amenity.
- There are no material considerations which it is considered would warrant refusal of this application

#### 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. Included within Council's 5 year Housing land supply calculation. The tilted balance in the presumption in favour of sustainable development in paragraph 11 d) of the NPPF applies, as the Council does not currently have a 5 year housing land supply, although the shortfall is modest.
Access/Impact on Local Highways and parking provision	Principle of access serving the site in widest sense already established through previous planning consents. National Highways raise no objection and subject to suitable conditions and meeting obligations within the Section 106 Agreement no objections are raised by the County Highway officer.
Affordable Housing	35% Affordable housing is proposed. Subject to agreeing the tenure split taking into account Exeter City Council First Homes Planning Policy Statement (June 2021), this level of provision is policy compliant and therefore acceptable. To be secured via S106 Obligation.
Scale, design, impact on character and appearance	Although the submitted outline masterplan plan layout is not considered to depict an acceptable approach it is only illustrative at this stage. It is anticipated that a design led

Issue	Conclusion
	<p>approach to any future reserved matters application could address any design concerns and result in a scheme which delivers a high quality design and compliance with development plan policies and national design guidance. The applicant has acknowledged that the proposal is an outline application for up to 285 dwellings and that to achieve the upper range limit of this figure any future reserved matters application will need to demonstrate an acceptable level of urban design. Open space provision is considered acceptable in the context of the wider site that comprised the original outline application.</p>
Impact on Trees and Biodiversity	<p>Limited impact. Scheme to incorporate appropriate mitigation and enhancement secured by an appropriate condition of any approval.</p>
Impact on heritage assets	<p>No significant heritage assets impact affected, subject to a suitable condition being imposed.</p>
Flood Risk and Surface Water Management	<p>The proposed drainage approach accords with relevant development plan policies and DCC as the LLFA raises no objections subject to an appropriate condition relating to the approval of the detailed drainage design at reserved matters stage.</p>
Sustainable Construction and Energy Conservation	<p>The standard condition will be added to ensure compliance with Policy CP15, taking into account national Planning Practice Guidance, if the application is approved along with S106 obligations relating to district heating.</p>
Economic benefits	<p>Affordable housing and financial contribution towards highways/ education provision, GP services, and jobs in construction related industries.</p>
CIL/S106	<p>The proposal is CIL liable and will necessitate a s106 legal agreement to</p>

Issue	Conclusion
	secure the obligations set out in the report if the application is approved.

## 5.0 Description of site

The application site (7.5 ha) is located to the north of the Met Office, lying between it and Hollow Lane, which forms part of the northern boundary of the site. The northern boundary also abuts existing residential properties including those comprising Woodland Road. The eastern boundary of the site abuts the Ellen Tinkham School and employment premises on Oberon Road. Part of the southern site boundary, and all of the western boundary, abut existing housing or land with consent for residential development that is currently under construction.

Vehicular access to the site would be from Hill Barton Road via the roundabout constructed to serve the wider development and through recently constructed residential estates, which form part of the Hill Barton development. It is also possible to access the site boundary from Hill Barton Road via Peppercombe Avenue.

The site is located within an area identified for housing as part of the Monkerton and Hill Barton Strategic Allocation in the Core Strategy and subject of a previous grant of outline planning permission for a larger site (some of which has subsequently been granted 'reserved matters' approval and been constructed). The site subject of this current application is presently open and undulating land under arable cultivation with hedges along some of the boundaries.

The predominant character of the immediate surrounding area comprises a mix of residential land and educational/employment uses. This includes the land to the east which contains the Met Office associated parking and satellite communications.

## 6.0 Description of development

The application is for outline planning permission for up to 285 dwellings with all matters reserved, including detailed access arrangements/design. Although access is also a 'reserved matter' details of potential access points to serve the development are shown. Essentially the development will be accessed via connections into the road network forming part of the wider Hill Barton development that have been, or are being, delivered as part of other consented phases of the development. These roads lead back to Hill Barton Road. In line with the Hill Barton Masterplan the layout facilitates a further road connection to Oberon Road.

The illustrative outline masterplan submitted in support of the application indicates a series of internal roads leading from the spine road to serve individual properties and

a mix of dwellings types including houses and flats/apartments. However it should be noted that as the application is in outline these details are illustrative only and not definitive in terms of the ultimate detailed site layout which will be subject to further approval via a 'reserved matters' application.

The proposal will also provide open space which will include a Multi-use Games Area (MUGA) and other equipped play areas. A proposed open space strategy is set out on the illustrative layout plan showing a distribution of open space and play areas across the site.

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

The application is accompanied by the following supporting information:

- Planning Statement
- Design & Access Statement
- Transport Statement
- Transport Assessment
- Ecological Impact Assessment
- Flood Risk Assessment
- Noise Assessment
- Air Quality Assessment
- Written Scheme of Archaeological Work

## **8.0 Relevant planning history**

The following planning history is considered relevant to the determination of this application and includes historical applications which incorporated the land subject of the current application, and recent applications on adjoining land.

### Historical outline consent

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.

[14/0832/VOC](#) - Variation of condition 25 relating to timing of provision of a vehicular link between the site and Oberon Road (Ref. No. [12/0472/OUT](#) granted 29-11-2013). Approved 13/06/2014.

### Recent approvals relating to land adjoining the site

Outline planning permission ([19/1375/OUT](#)) was approved for up to 200 dwellings (Approval sought for details of access only, with scale, layout, appearance and

landscaping all reserved for future consideration) on 15<sup>th</sup> June 2021 subject to a S106 Agreement and conditions.

[21/1054/RES](#) - Approval of reserved matters of layout, scale, appearance and landscaping of planning permission ref. [19/1375/OUT](#) - Outline application for up to 200 dwellings. Approved 17/11/2021.

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.**

**National Highways (formerly Highways England)** – No objection and recommends a condition relating to submission of a Travel Plan for approval prior to occupation. The response notes the previous planning history and anticipated increase in overall quantum of houses likely to be delivered across the original site area. Based on the submitted Transport Statement, and noting recent improvements to the A30 Honiton Road/Moor Lane roundabout, comments as follows –

“It is noted that improvements at the A30 Honiton Road/Moor Lane signalled roundabout have now been delivered, in addition to the Tithebarn Link Road which provides an alternative route between major development on the western side of the M5 and the East Devon Growth Point avoiding M5 Junction 29 and the A30 Honiton Road. On the basis of these improvements, the predicted increase in traffic generation set out above, and the application of travel planning measures consistent with the outline permission (as discussed below), National Highways considers that the development will be unlikely to result in an unacceptable impact on the safe operation of the strategic road network, as defined by NPPF.”

**Natural England** – identify that the development falls within the ‘zone of influence’ for the Exe Estuary SPA, East Devon Pebblebed Heaths SAC & East Devon Heaths SPA as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). Therefore highlight need to secure mitigation of potential impact of increased recreational pressure arising from the development on the protected European sites. Identify potential need for an Appropriate Assessment

to be carried out by the LPA. They also refer to standing advice relating to impact on protected species, and comment on issues relating to Priority Habitat impacts, Habitats and Species of Principle Importance and biodiversity net gain, landscape, access and recreation.

**Exeter Airport** – Comment that proposal has been examined from an Aerodrome Safeguarding perspective and Exeter Airport have no safeguarding objections to the development subject to adherence with the advice contained in the Airport Operators Association (AOA) Advice note 4 - Cranes and other Construction Issues.

**Met Office** – Comment that the principle concern of the Met Office in respect of the proposal is that the construction of buildings on the application site is near the Met Office satellite reception facility and may therefore obstruct the receipt of satellite data transmissions. Noting that the proposal is for outline permission highlight potential for detailed design to have an impact/ Hence raise no objection subject to the inclusion of suitable worded planning conditions to adequately mitigate the following issues :- namely Construction Method Statement 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, removal of permitted development rights in respect of mobile base stations and dwellings extensions/alterations, and landscaping details. They wish to be consulted on the discharge of all reserved matters relating to this outline scheme.

**RSPB** – Express agreement with the recommendations put forward in the submitted ecology assessment report regarding mitigation measures and trust that these will be reflected in appropriate conditions.

**NHS Devon Clinical Commissioning Group** – Identify local surgeries as already being over capacity and therefore request a S106 contribution of £584 per dwelling to mitigate the impact on local healthcare facilities – Hill Barton Surgery, Whipton Surgery, Southernhay House (The Branch Surgery) and Pinhoe Surgery. This is in accordance with 'Devon Health Contributions Approach: GP Provision' agreed by NHS England and Devon County Council.

**South West Water** – No objections in principle, make comments on quantum of development and considerations in respect of drainage strategy.

**Devon & Somerset Fire & Rescue Service:** – Comments as follows:-

“The fire authority has no objections in principle on the application, there is limited information available within the details provided i.e. number of blocks of flats, layout drawings of flats.

Please highlight to developers the need for emergency vehicle access to all properties which comply with Approved Document B Vol 1 B5 (section 11). There are several dead ends (cul-de-sac) which need checking carefully.

Please provide further details of the flat locations and internal layouts, emergency vehicle tracking drawings would be appreciated for all dead ends except Woodland Rd which has through access according to the information supplied with this application.”

**Police (Designing Out Crime officer)** – No objection and makes following comments/recommendations for consideration at detailed design stage – rear access arrangements, parking courts, security of boundary treatments, defensible space, clear delineation between public and private spaces, natural surveillance, well designed and lit pedestrian routes, and clearly distinguished priority between pedestrian and vehicular traffic.

**County Head of Planning, Transportation and Environment (Highways)** – comments that the application is for the construction of up to 285 dwellings at Hill Barton, Exeter. The application includes the proposals to deliver part of the Hill Barton Link Road which would be built to the site boundary. 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, and therefore it is now understood that the remaining parcels of the remaining site are coming forward in piecemeal. Also notes that even if the maximum number of dwellings applied for in this application were built the total number of dwellings across the extent of site covered by the original outline would fall within the 850 dwellings assessed within the Transport Assessment submitted in May 2019 alongside application [19/0699/FUL](#), and also resubmitted in support of the current application.

Specifically in respect of transportation matters associated with the application comments as follows –

*“Trip Generation* - The previous trip rates have been used in the submitted transport assessment 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, the assessment has been based upon a higher figure of 299 dwellings (as opposed to up to 285 dwellings proposed) for consistency with the previous Transport Assessment prepared for the wider site. This results in 120 two-way movements, 30 arrivals and 90 departures in the AM peak and the reversal in the PM peak. Given the previous lapsed consent, the trip generation for this specific site cannot be used as a reason for refusal.

*Access* - Access to the site is proposed via the existing stretch of the Hill Barton link road, which connects to the Heritage Road Roundabout and 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. The primary pedestrian, cyclist, and vehicular access points are shown on the "Permeability Plan" (Drawing No SALU3008) and the "Outline Masterplan Layout" (Drawing No 3000 J Rev B).

*Vehicular Access* - Primary points of vehicular access to this development are taken from infrastructure approved through previous phases. The indicative site plan shows there will be four new junctions created on the spine road, each serving residential cul-de-sacs. The applicant is reminded that any junction (forming part of a RM submission), must meet appropriate visibility standards and appropriate access points. The indicative layout looks broadly acceptable, but as part of the reserved matters application we will seek to secure improved pedestrian / cycling crossing facilities and measures to slow vehicles down upon entry.

*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. Technical details of the main spine road and future connection to Oberon Road will need to be secured as part of any reserved matters application. At this stage, a condition is recommended to require the applicant to deliver the spine road to the boundary of the site, in a suitable position to enable a future connection to be made.

*Pedestrian / Cycle Access* - The "Permeability Plan" indicates four main points of pedestrian and cycle access. Three to the north and one main connection to the south. Both the primary and emergency accesses detailed above would be available for pedestrians and cyclists. Starting from the northwest of the site, the emergency access onto Woodland Road is proposed as a 3.5m wide cycle / footway with bollards installed to prevent vehicular access. This access will provide direct and convenient access for residents seeking access to strategic cycle routes via Hollow Lane.

To the northeast of the site, two pedestrian / cycle connections are shown. These connect the main north – south route through the wider Hill Barton strategic allocation to Hollow Lane, strategic cycle routes and the nearby Ellen Tinkham School. Whilst these access points are welcomed, no details of the tie in connections or visibility have been provided from the applicant. A condition is therefore recommended to secure appropriate details for all pedestrian / cycle access points.

The indicative site plan shows a 3.5m shared footway / cycle way running from the Hill Barton Link Road through the centre of the site, with suitable permeability to each cul-de-sac provided. The Highway Authority would expect to see this built to an adoptable standard, consistent with the rest of the route.

The connection to the main spine road is currently shown as a raised table crossing. The design of the crossing and main pedestrian / cycle access should comply with the latest design guidance provided in the Local Transport Note (LTN 1/20). For an uncontrolled crossing figure 10.2 of the design guide recommends a single lane of vehicular traffic. This will reduce vehicle speeds and improve the safety for all users.

The Highway Authority would therefore recommend an informative, that as part of the reserved matters application a LTN 1/20 compliant crossing of the spine road must be provided.

*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.

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 and travel planning.

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 S106 request sum per dwelling can be used flexibly, serving a useful purpose and mitigating the development impact. Application [19/1375/OUT](#) secured £1931.82 per dwelling towards improvements in the Monkerton area. For a consistent approach to the previous consent, it is expected that 285 houses worth of S106 money is to be contributed from the applicant (285 dwellings \* £1931.82 = £550,568.70).

*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.”

**DCC (LLFA)** – Comment as follows:

“The applicant has provided confirmation that the lower discharge rates in the Flood Risk Assessment, FRA, are being proposed rather than the higher discharge rates which are stated in an email exchange with South West Water submitted as an appendix to the FRA.

The applicant has undertaken infiltration testing at the site in line with the surface water hierarchy. The results of the testing indicated that infiltration led techniques are not viable at the site and therefore the applicant is proposing to discharge into the nearby surface water sewer since there is no watercourse nearby. This approach clearly follows the principles set out in the surface water management hierarchy.

The proposed drainage strategy limits the runoff to existing greenfield rates via the provision of attenuation basins supplemented with underground attenuation tanks. The calculations also include an allowance for urban creep in line with best practice.”

Consequently confirm original objection is withdrawn and that they have no in-principle objection subject to a pre-commencement condition requiring submission of a detailed drainage design based on the Flood Risk Assessment being submitted and approved, and thereafter the scheme being implemented in line with the approved details.

**DCC (Education)** – has identified that a development up to 285 family type dwellings will generate an additional 71.25 primary pupils and 42.75 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, 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 the 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 2.0% of the school population require specific Special Education provision, therefore this development is likely to generate 2.29 pupils who will require a specialist place. DCC will request for additional primary and secondary SEN provision that will be required as a result of the development. The request will total £186,117 (based on the SEN extension rate of £81,274 per pupil) equivalent to 1.43 primary pupil and 0.86 secondary pupils. This equates to a per family type dwelling rate of £653.04.

We have forecast that the local secondary schools do not have capacity for pupils expected to be generated from this development and therefore a contribution towards secondary education would be sought. Please note that DCC will not seek additional secondary contributions on SEN pupils and therefore will only seek a contribution towards the remaining 41.89 pupils expected to be generated from this development. The secondary contribution sought is £1,033,928 (based on the DfE new build rate of £24,682 per pupil). This equates to a per family type dwelling rate of £3,627.82. 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.

**DCC (Waste Planning Authority)** – Comment as follows:-

“Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage to demonstrate all opportunities for waste minimisation, reuse and recycling have taken place.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at:

<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document> .”

**ECC Heritage Officer** – Comments as follows: -

“I have considered the application and have the following advice to offer:  
The proposed development represents phase 4 of the scheme, given the results of the previous phase investigations it is apparent that the site is likely to contain previously unknown archaeological deposits, most notably from the prehistoric and Romano British periods. If present, these remains are likely to be of regional or local importance, in order to mitigate the potential impacts of the scheme the LPA have agreed the scope of a Written Scheme of Investigation (WSI) for a field evaluation. Once completed, the results of the field evaluation will be used to inform a further programme of archaeological works which can be secured by condition. In this way I can advise that the outline application can be determined in line with national and local guidance.”

**ECC Environmental Health** – Sought clarification regarding air quality assessment, and contaminated land. Following receipt of further information recommends conditions relating a CEMP, Electric vehicle charging provision and contaminated land.

**ECC Parks & Green Spaces** – In commenting on the original submission state proposal shows insufficient on site play provision in terms of space provided for LEAP (Locally Equipped Area of Play) and NEAP (Neighbourhood Equipped Area of Play) provision and therefore object on grounds it does not provide sufficient play capacity or play value for residents of site and wider Hill Barton development. However, state that within illustrative layout submitted consider there is sufficient space to provide suitable play provision. Refer to lack of potential communal amenity space to apartments to contribute to play opportunities for occupants, refer to Fields in Trust Guidance regarding appropriate provision and proximity distances. Highlight that details of public open space, plays areas and equipment would need to be approved prior to commencement and need for timings of delivery to be secured and at early stage given historical development of site and reliance on this final phase.

**ECC Recycling Officer** – Refer to refuse storage requirements to be passed onto the developer for incorporation into design of any subsequent ‘reserved matters’ application.

**ECC Tree Manager** – No arboricultural objections, highlight matters for consideration as part of any future ‘reserved matters’ application including tree planting/landscaping scheme, green infrastructure and appropriate Tree/Hedge protection plans.

**Exeter Cycling Campaign** – Object stating although an outline application walking and cycling links are considered insufficient to meet local and national sustainability policies and objectives. Refer to need for schemes to reduce need to travel, shift to sustainable travel options making them more attractive than car. Dispute potential

intended pedestrian/cycle routes in terms of their contribution to objectives. Refer to LTN 1/20 advice note regarding design standards, including for cycle routes. Finally highlight need for appropriate cycle parking provisions to be incorporated within detailed stage in respect of design standard and quantity.

## **11.0 Representations**

4 objections received raising the following concerns:

- Lack of proposed tree cover/loss of hedgerows
- Lack of solar panels/heat pumps
- Model of development not fit to adequately address current issues
- Loss of farmland and impact on country's food production capacity
- Lack of/loss of open space/green fields
- Lack of clarity over affordable housing provision
- Local infrastructure, e.g. schools/GP services over capacity to cope with addition people and pressure on services like Hospice which is inadequately funded
- Dwellings likely to be brought by 'buy to let' purchasers
- Flooding issues
- Traffic congestion/access arrangements – quantity of additional traffic and highway safety issues
- Conflict pedestrians/cars on Hollow Lane
- Wildlife impact
- overdevelopment

## **12.0 Relevant policies**

### **Government Guidance**

National Planning Policy Framework (NPPF) (2021)

2. Achieving sustainable development
3. Plan making
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

National Design Guide (MHCLG, 2021)

National Model Design Code (MHCLG, 2021)

Cycle Infrastructure Design Local Transport Note 1/20 (DfT, July 2020)

Guidance for Outdoor Sport and Play Beyond the Six Acre Standard England (Fields in Trust, 2020)

## Development Plan

### **Exeter Local Development Framework 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) – saved policies**

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

**Other Material Considerations**

**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**

1. Monkerton and Hill Barton Masterplan Study November 2010.

2. Net-Zero Exeter 2030 Plan (Exeter City Futures, April 2020).
3. Exeter City Council First Homes Planning Policy Statement (June 2021)
4. Exeter City Council Annual Infrastructure Funding Statement 2020/21 Report
5. Revised Strategic Housing Land Availability Assessment (SHLAA) 2015

### **Devon County Council Supplementary Planning Documents**

Minerals and Waste – not just County Matters Part 1: Waste Management and Infrastructure SPD (July 2015)

## **13.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

It is acknowledged that there are certain 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 the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **14.0 Public sector equalities duty**

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

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

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

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

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

## **15.0 Financial issues**

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

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

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

### Material considerations

- Affordable housing 35% of the total number of dwellings delivered.
- Public Open Space
- Play areas including a MUGA (510 sq. m), NEAP/LEAP(1300 sq. m), LAP (270 sq. m and natural play area/junior trim trail
- £166,349 towards patient space at GP surgeries (£584 per dwelling).
- £186,117 contribution towards Special Education Needs provision (£653.04 per family type dwelling)

- £1,033,928 towards new secondary school provision at South West Exeter (£3,627.82 per family type dwelling)
- £550,568.70 Transport Contribution to mitigate the transportation impacts of the development (this equates to a contribution of £1931.82 per dwelling)
- Habitats Mitigation Contribution - £1130 per affordable housing dwelling in respect of which CIL Social Housing Relief is granted.
- 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 £80 per sq. metre plus new index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website. The rate per sq. m for residential development in 2022 reflecting the index linking referred to above is £118.57.

The proposal will generate Council Tax.

## **16.0 Planning assessment**

The key issues to consider when determining this application are:

1. Principle of the Proposed Development
2. Access/Impact on Local Highway Network and parking provision
3. Affordable Housing
4. Scale, design, impact on character and appearance (open space)
5. Impact on trees and Biodiversity
6. Impact on heritage assets
7. Flood Risk and Surface Water Management
8. Sustainable Construction and Energy Conservation
9. Economic Benefits
10. CIL/S106

### The Principle of the Proposed Development

The principle of the development of this site for housing has already been established as set explained below. The application site is located within the Monkerton and Hill Barton Masterplan Study 2010 and was allocated for housing within the Monkerton and Hill Barton Strategic site allocation within the Core Strategy (policy CP17). The site formed part of a wider area subsequently granted planning consent for residential development in 2013 under planning application [12/0472/01](#).

Neighbouring sites that formed part of both the strategic allocation, and consent referred to above, have subsequently received reserved matters approval and are built and occupied. Whilst these development sites were determined with the time specified within the outline application, this consent has now expired. Subsequently, further parts of the original outline site have been granted separate outline, reserved matter and detailed approvals (application ref nos. [19/1375/OUT](#), [21/1054/RES](#) and [19/0699/FUL](#)) and construction on these sites is underway.

As confirmed by the Land at Pennsylvania Road appeal, the Council does not currently have a 5 year housing land supply. It has a supply of 4.8 years, i.e. a shortfall of 220 dwellings. This was described as a modest shortfall by the Inspector and it should be noted that additional residential permissions have been granted since the appeal was determined. However, the tilted balance set out within paragraph 11 d) of the NPPF is engaged. This pushes the decision towards granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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.

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 not considered that there are any material considerations that would outweigh the benefits of granting permission on this allocated site. Furthermore granting approval for the delivery of housing on this site would make an important contribution to the Council’s 5 year housing land supply moving forward.

#### 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. That outline permission has been partially implemented, with approximately 300 residential dwellings constructed on the site to date. However, the timeframe for submission of further 'reserved matter' applications for the remainder of that outline site has expired hence subsequent phases, including this current application for the remainder of the site, have been the subject of fresh planning applications. These latter phases were accompanied by revised Transport Assessments that appraised the potential impact of up to 850 dwellings (an increase of 100 over and above the original outline). The consents granted to date, and the maximum number of dwellings proposed in this current application in combination fall within the overall 850 dwellings assessed in relevant Transport Assessments. Both National Highways and DCC (as the Local Highway Authority) consider the overall highways impact acceptable in this context and have raised no 'in principle' objections.

The vehicular access points indicated to serve the development comprise connections to spine roads being provided as part of other consented schemes which ultimately link back to Hill Barton Road. The means of access from Hill Barton Road to serve the wider development comprised in the original outline consent ref [12/0472/OUT](#) and [14/0832/VOC](#) has already been approved in the form of the roundabout and associated arm leading into the site. It has been accepted by the Highway Authority that this means of access is sufficient to serve the overall quantum of development envisaged. The current application site formed a part of that original permission and consequently the principle of main access serving the site has been accepted.

A further potential connection to Oberon Road would be facilitated by construction of the internal road network up to the relevant site boundary. A further potential Emergency access is indicated to Woodland Road along with various Pedestrian/cycle only links to Hollow Lane.

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. The proposals have been the subject of significant negotiations in terms of access arrangements and permeability.

In summary, it is considered that with appropriate conditions this scheme is acceptable in highway terms. Although National Highways had suggested a condition regarding a travel plan, in addition to conditions recommended by DCC a financial contribution of £1931.82 per dwelling is requested though the 106 Agreement to meet improvements to pedestrian/cycle provision, bus service and travel planning for the wider area. As this contribution is intended to include travel planning the condition recommended by National Highways is not considered necessary. This approach is

consistent with recent approvals on other parcels of land that formed part of the original consented outline site.

### 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. Whilst in the submitted supporting documents accompanying the application the applicant has highlighted that the original site wide outline consent had a lower required affordable housing requirement (25%). They have also argued that since that consent was granted in 2013 there has been an increase in development costs associated with the imposition of CIL, and rising constructions costs and that the previous consent constitutes a material consideration. 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...*'

No formal Viability Assessment has been submitted in respect of the current application and therefore it is not considered that there is any justification for a level of affordable housing less than the policy required 35% in respect of this current outline application. Should Viability concerns arise at 'reserved matters' stage it would be open for the developer to justify the position through a detailed Viability Assessment produced in line with National Planning Policy Guidance and, depending on the assessment and acceptance of such an assessment, seek to vary the level of affordable housing provision required through a formal modification of the relevant S106 requirements.

In line with Government policy/guidance the affordable housing to be provided on the site would incorporate 'First Homes' (homes only available to first time buyers with income below a specified level, sold at 30% discount on market value). Consequently, in line with Exeter City Council's First Homes Planning Policy Statement (June 2021) the affordable housing requirement for this development would comprise 35% of the total number of dwellings delivered on the application site (of which 25% should be provided as First Homes, 70% as social rent and the remainder as intermediate affordable housing). This would need to be secured in a S106 legal agreement.

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

This is an outline planning application with all matters reserved for future consideration including detailed access arrangements, although general access points to the development are indicated. Consequently the submitted details in terms

of potential layout and number of dwellings provided are solely for illustrative purposes. There are however significant concerns related to the submitted layout which it is worth highlighting at this stage to ensure that they are adequately addressed in any future 'reserved matters' applications.

The layout as depicted is car dominated with long stretches of parking in front of dwellings throughout the majority of the road depicted. It is considered that such an approach detracts from the overall character of the street scene and fails to create a sense of place that has a distinctive or identifiable character that could be considered attractive in terms of meeting the aspirations for new housing developments to achieve a high quality design in line with both development plan policies and national design guidance. Such an approach also leads to a lack space to the front and sides of dwellings to integrate landscaping as a fundamental element of the overall design which can help to 'soften' street scenes. The small number of communal parking courts suggested in the layout are also unconvincing in terms of quality of design. These spaces are often a poor design solution lacking surveillance and a sense of ownership by residents which can lead to anti-social behaviour issues and concerns from a designing out crime perspective. It is accepted that a parking strategy for a development can incorporate a number of different approaches but the suggested layout relies too heavily on these solutions which would create a very vehicle dominated layout lacking sufficient urban design quality.

The need to ensure that any elements of the overall layout comprising flats/apartments are provided with sufficient private amenity and defensible space for ground floor units, and adequate communal amenity space for all residents to comply with standards set out in the Council's adopted Residential Design SPD has been highlighted to the applicant. Similarly any reserved matter layouts will need to demonstrate, through detailed plans, private gardens for houses forming part of the development that also meet the Council's standards set out in the Residential design Guide, together with appropriate separation distances between properties to ensure suitable privacy standards and residential amenity.

Given these concerns officers have stressed to the applicant that a layout based on currently indicated principals would not be considered to achieve a well-designed scheme as required by the NPPF and associated design guidance both at a national and local level. Whilst there is an acknowledgement of the need to maximise housing delivery on allocated sites such as this, this objective needs to be balanced with aspirations to achieve high design quality in residential layouts. These two aspirations are not necessarily mutually exclusive but require a design led and innovative approach, including potentially a higher number of flats/apartments in order to achieve the upper limit in terms of quantum of houses sought through this current application. These concerns have been raised with the applicant, and officers have stressed that the upper limit of 285 dwellings sought needs to be acknowledged as a maximum, and that to achieve this significant further design work and justification will be required as part of any reserved matter proposals which may necessitate a different design approach to that depicted in the current outline layout

depicted. 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. The applicant has acknowledged this matter in writing and it is proposed that an informative is added to any approval highlighting the matter and the need for a high quality design led approach to justification the ultimately achievable number of dwellings within this site.

Across earlier phases open space provision has been reduced due to the fact that throughout discussions in respect of the development of this strategic allocation the aspiration was that the largest element of the open space to serve the overall area of the original outline application site would come forward as part of the later phase alongside Hollow Lane. In this way the open space would form part of what was termed the 'ridgetop park' running through the Hill Barton and Monkerton strategic allocation. Given the need for the final phase of the wider development comprised in this application to deliver open space to serve not only the residents of dwellings comprised in this application, but also earlier phases, this has been the subject of significant discussion with the applicants.

Consequently there has been an analysis of open space delivered as part of earlier phases to ascertain the level of provision required within this final phase to ensure that the Council's requirement for 10% open space provision across the entire site is met. Through this exercise officers are satisfied that the broad approach to provision of open space and play facilities within the application site, including its location, represents an acceptable approach and is capable of ensuring that across the whole of the original outline planning application site slightly in excess of the required 10% open space provision can be delivered.

The quantum of open space in terms of area (sq. m), and range of facilities to be provided within it (MUGA, NEAP, LEAP and LAP), along with triggers relating to the timing of its delivery will need to be covered in a S106 agreement and conditions. The applicant has highlighted some logistical constraints in terms of topography and early infrastructure provision requirements (drainage attenuation features) that influence the direction of build in practical terms and hence feasible delivery timescales. Discussions regarding these matters are on-going with the applicants to try to ensure facilities are delivered in a timely manner (given they are partly intended to serve dwellings that have been occupied for some time) but also in a way that is practical and feasible from a construction perspective.

Whilst the Parks and Green Spaces officer has suggested that the delivery of the open space and play facilities should be delivered prior to occupation of the first dwelling comprised in this application, this is not considered practicable or feasible due to constraints identified above. However, it is acknowledged that delivery at the earliest opportunity would be desirable given earlier phases of the wider development have been built and occupied for some time. The occupants of those properties rely

partly on the open space and play facilities to be delivered as part of this last phase to meet their recreational needs.

The open space feasibility plan indicates 3 areas of open space, one along the southern site boundary, one running north-south through the site leading to an larger area alongside Hollow Lane (incorporating the MUGA and NEAP/LEAP) and a further area alongside this in the northern corner. The applicant has suggested the southern area of open space would be provided prior to occupation of the 60<sup>th</sup> dwelling which is considered reasonable and will ensure some open space is available relatively earlier in terms of the overall site delivery. However the delivery of the main area containing the formal play facilities was suggested prior to occupation of the 190<sup>th</sup> dwelling which was considered unacceptable and through negotiations earlier delivery prior to occupation of the 160<sup>th</sup> dwelling has been agreed. The remaining area was proposed for delivery prior to occupation of the final dwelling but negotiations have resulted in this being brought forward slightly although still towards the end of the construction programme. The proposed timing of delivery as negotiated is considered a reasonable compromise between the desire to have them available as soon as possible but recognising the constructional constraints associated with delivery of large scale housing sites such as this.

#### Impact on Trees and Biodiversity

Other than the boundary hedgerows the site is largely devoid of significant trees and biodiversity features as an arable cultivated field. This is an outline application but the submitted feasibility plan shows the site boundary hedgerows retained other than where vehicular or pedestrian/cycle access points would be formed. The submitted arboricultural constraints report identifies that many of the hedgerows have suffered from a lack of management and require remedial work which would be informed by any detailed layout approved via a reserved matter application and include enhancement.

The submitted Ecological Assessment submitted in support of the application highlights that an Extended Phase 1 Habitat survey, and specific bat and dormouse surveys have been undertaken. The documents concludes that there are no protected species present on the site that would preclude development in principle and that no further survey work is necessary. Given the previous use of the land the scope for biodiversity net gain is highlighted and a series of potential measures identified including incorporation of bat/bird/bee/bug bricks, landscaping to encourage wildlife, maintenance and enhancement of hedgerows (to potential include areas of reptile refuge, and provision of hedgehog holes within any boundary fencing provided as part of the development. A condition requiring submission of a biodiversity mitigation and enhancement plan (BMEP) is proposed to ensure that such matters are incorporated into any reserved matter submission.

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. A separate Habitats Mitigation contribution will be required in respect of any affordable dwellings for which relief from CIL is sought and granted to ensure that impacts arising from these units is also appropriately mitigated. As the site is within the relevant 10km distance of both the Exe Estuary and East Devon Pebblebed Heaths special protection areas the relevant contribution will be £1130 per affordable housing dwelling.

#### Impact on heritage assets

The application is accompanied by a Written Scheme of Archaeological Work. This has been considered and the Heritage Officer is satisfied on the basis of this that there is no archaeological constraint on the principle of the residential development of this land. The scope for a further Written Scheme of Investigation has been the subject of discussion with the applicant. 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 a Written Scheme of Investigation, as referred to above, which can be secured via an appropriate condition.

#### Flood Risk and Surface Water Management

The submitted Flood Risk Assessment concludes –

“This Flood Risk Assessment has been assessed in line with the NPPF. It is concluded that the development can be undertaken in a sustainable manner, whilst also reducing the flood risk to existing properties in the downstream catchment.

The FRA does not attempt to present a final design of the surface water system. Detailed design of the surface water network and inherent features will commence upon approval of the outline strategy and will include assessments due to further site investigations, health and safety.”

Policy EN4 does not permit development if it would be at risk of flooding. The development is within Flood Zone 1 and the proposed use is classified as ‘more vulnerable’ (see PPG). ‘More vulnerable’ uses are appropriate in Flood Zone 1, therefore the proposal accords with Policy EN4.

Policy CP12 requires all development proposals to mitigate against flood risk utilising SuDS where feasible and practical.

DCC (as Lead Local Flood Authority) raise no objection acknowledging that infiltration techniques are not viable on this site and that in the absence of a nearby watercourse, discharge to the nearby surface water sewer will be the adopted approach. This approach is in line with the surface water management hierarchy. A condition is recommended relating to approval of a detailed drainage design and adoption/maintenance proposals as part of any future reserved matters application.

#### Sustainable Construction and Energy Conservation

Policy CP15 requires residential development to be zero carbon from 2016. However, national Planning Practice Guidance states that local planning authorities can set energy performance standards for new housing that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes. Therefore, this is the standard currently sought in respect of energy and CO2 emissions for residential development within the city and will be secured through an appropriate condition.

Policy CP13 requires developments with 10 or more dwellings to connect to any existing, or proposed, Decentralised Energy Network (DEN) in the locality. Earlier phases of the development are connected to a District Heating Network and this has been secured through relevant S106 obligations. Similar obligations are recommended in respect of this proposal to ensure the whole of the Hill Barton site is connected to such a facility as envisaged in the granting of the original outline consent.

Policy W4 of the Devon Waste Plan requires planning applications for major development to include a Waste Audit Statement. No such statement has been submitted in support of the application and therefore if the application is approved, a pre-commencement condition should be added requiring submission of a Waste Audit Statement.

#### Economic benefits

Appropriate financial contributions towards highways/education provision, GP Services and Habitats Mitigation will be secured through an appropriate S106 agreement, as will the provision of affordable housing. Construction of the development will result in employment opportunities in construction related industries.

#### CIL/S106

The proposed development is CIL liable, as it is for residential development. The rate for permission granted in 2022 is £118.57 per sq. m. This is charged on new floor

space, but does not include social housing provided a claim for social housing relief is made. As the application is outline, the CIL liability cannot be calculated until reserved matters details are submitted.

If the application is approved, the following obligations should be secured in a s106 legal agreement:

- 35% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate), 5% wheelchair accessible, mix of dwelling types, cluster sizes.
- District Heating obligations
- Public open space, including play facilities – specifications, delivery triggers, public access, management arrangements
- £166,349 towards patient space at GP Surgeries (£584 per dwelling)
- £186,117 contribution towards Special Education Needs provision (£653.04 per family type dwelling)
- £1,033,928 contribution towards new secondary school provision at South West Exeter (£3,627.82 per family type dwelling)
- £550,568.70 Transport Contribution to mitigate the transportation impacts of the development (£1931.82 per dwelling)
- Habitats Mitigation Contribution - £1130 per affordable housing dwelling in respect of which CIL Social Housing Relief is granted.

## **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. Furthermore, the site has previously benefitted from an outline consent for residential development as part of a wider site, large parts of which have already been constructed. The development would provide a significant level of housing towards the Council 5 year housing supply which is to be welcomed.

The application is for outline planning permission and therefore while some concerns have been identified with the illustrative layout submitted these have been drawn to the attention of the applicant. It is considered that there is no reason why these cannot be addressed as part of any 'reserved matters' application submitted pursuant to this outline bearing in mind that the final number of dwellings delivered up to the maxim limit would be informed by the need to demonstrate high quality design in line with local policy and national advice relating to design matters.

Taking all these matters into account, along with responses from relevant consultees, the officer recommendation is therefore one of approval as set out below.

## **18.0 Recommendation**

**A) DELEGATE TO THE SERVICE LEAD (CITY DEVELOPMENT) TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:**

- 35% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate), 5% wheelchair accessible, mix of dwelling types, cluster sizes.
- District Heating obligations
- Public open space, including play facilities – specifications, delivery triggers, public access, management arrangements
- £166,349 towards patient space at GP Surgeries (£584 per dwelling)
- £186,117 contribution towards Special Education Needs provision (£653.04 per family type dwelling)
- £1,033,928 contribution towards new secondary school provision at South West Exeter (£3,627.82 per family type dwelling)
- £550,568.70 Transport Contribution to mitigate the transportation impacts of the development (£1931.82 per dwelling)
- Habitats Mitigation Contribution - £1130 per affordable housing dwelling in respect of which CIL Social Housing Relief is granted.

All S106 contributions should be index linked from the date of resolution.

And the following conditions:

Conditions

1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.

**Reason:** To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.

2) **Pre-commencement condition:** Prior to the submission of any 'reserved matters' application pursuant to this outline planning permission a phasing scheme for the delivery of the development shall be submitted to and be approved in writing by the Local Planning Authority. The phasing scheme shall identify the phases in which the development shall be constructed and thereafter, unless otherwise agreed in writing by the Local Planning Authority, the development shall be implemented in accordance with the approved phasing scheme.

**Reason for Pre-commencement condition:** To allow for the phased development of the site and phased discharge of certain conditions as set out in this decision notice.

3) **Pre-commencement condition:** In respect of any individual phase identified pursuant to condition no. 2 of this outline planning permission details of the access, appearance, landscaping, layout, and scale of that phase, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development of that phase begins and the development shall be carried out as approved.

**Reason for pre-commencement condition:** To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.

4) **Pre-Commencement Condition** - Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment, Hill Barton Road, Exeter, Northern Catchment, dated 8th March 2021

(b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

**Reason for Pre-Commencement Condition:** The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

5) **Pre-commencement condition:** No development related works shall take place within the site until a programme of archaeological works have been approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

**Reason for pre commencement condition:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development

commences to ensure that historic remains are not damaged during the construction process.

6) **Pre-Commencement condition:** Any reserved matters application submitted pursuant to the outline consent hereby approved for a phase identified pursuant to condition no. 2 which incorporates the spine road must include a detailed design of the spine road which allows for a future link to Oberon Road. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority. Prior to the occupation of the 100th Dwelling, or such other trigger point that shall have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, the said road shall be constructed up to the ownership boundary of the site in accordance with the submitted details.

**Reason for pre-Commencement Condition:** To enable a future vehicle link to Oberon Road in compliance with the Hill Barton and Monkerton Masterplan

7) **Pre-commencement condition:** No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Met Office). The statement should include details of include details of 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 reception facility in relation to its operational schedule, access arrangements, measures to minimise the impact on the adjacent footpath, timings of the proposed works and shall also provide for:

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

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

**Reason for pre-commencement condition:** In the interest of the environment of the site and surrounding areas and to ensure that the potential impacts of the construction works on Met Office satellite reception facility are properly considered and addressed at the earliest possible stage. This information is required before

development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

8) **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BEMP will be expected to incorporate the mitigation and enhancement measures set out in the Executive Summary and Section 6 of the submitted Ecological Impact Assessment (Ref 0852-EclA-LY) dated December 2020 prepared by GE Consulting. The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.

**Reason for Pre-commencement condition:** In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

9) **Pre-commencement condition:** Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority. A photographic record of any trees, hedges on site shall be taken prior to any felling work being undertaken. An arboricultural report shall be submitted to and approved in writing prior to the commencement of any works to existing trees, shrubs and or hedges.

**Reason for Pre-commencement condition:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

10) **Pre-commencement condition:** No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees, hedges or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

**Reason for pre-commencement condition** - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

11) **Pre commencement condition:** Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in

writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

**Reason for pre-commencement condition:** To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

12) **Pre-commencement condition:** No development shall commence until details of the open space, play provision (including NEAP, LEAP and MUGA) and associated landscaping, including a programme for its installation and maintenance has been submitted to and approved in writing by the local planning authority and thereafter installed to an agreed timescale and maintained in accordance with the agreed details.

**Reason for Pre-commencement condition:** In the interests of residential amenity.

13) The open space and play facilities shall be completed and made available for use in accordance with the delivery triggers set out on drawing no. HB/POSPP/3 Rev V3 entitled "Open Space Phasing Plan" unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the facilities necessary to serve the recreational needs of the future occupants of the dwellings comprised in the development are provided in accordance with an agreed timeframe.

14) **Pre commencement condition:** No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

**Reason for pre-commencement condition:** In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

15) Any reserved matters application submitted pursuant to the outline consent hereby approved must provide an LTN 1/20 compliant crossing of the spine road. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority. The timeframe for delivery of the said crossing shall be agreed in writing by the Local

Planning Authority in consultation with the Local Highway Authority prior to the commencement of development on the phase within which the crossing is located, and the said crossing facilities shall be provided in accordance with the approved details.

**Reason:** To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

16) Any reserved matters applications submitted pursuant to the outline consent hereby approved shall incorporate within the layout pedestrian/cycle links as indicated on Drawing Number PP/AP/01 (Parameters Plan for Access and Permeability) for consideration as part of the reserved matters application. The said pedestrian/cycle connection points within any phase identified pursuant to condition no. 2 shall thereafter be constructed in accordance with a timescale that shall be agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority prior to the commencement of the construction of that phase.

**Reason:** To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

17) No part of the development within any phase identified pursuant to condition no. 2 shall be brought into its intended use until the vehicular access points and adjacent footway/cycleway serving that phase, as indicated on Drawing Numbers 3000 Rev K and PP/AP/01 (Parameters Plan for Access and Permeability), have been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority as part of any Reserved Matters Applications.

**Reason:** To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.

18) Prior to the construction of the foundations of any dwelling within any phase identified pursuant to condition no.2 of this consent, the Design SAP calculations of the dwellings comprising that phase shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwellings will achieve a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations. No individual dwelling shall be occupied until the As-Built SAP calculation of the dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations has been achieved.

**Reason:** To ensure the dwellings will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development. (Advice: Please see Paragraph: 012 ID: 6-012-20190315 of the National Planning Practice Guidance on Climate Change for background information.)

19) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

20) Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), and any Order revoking or re-enacting that Order with or without modification, no development of the types described in the following classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by the permission: -

Part 1, Class A extensions and alterations

Part 1, Classes B and C roof addition and alteration

Part 1, Class E buildings incidental to the enjoyment of the dwellings house

**Reason -** To ensure adequate protection from risk of physical blocking of Met Office satellite reception facility.

21) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), and any Order revoking or re-enacting that Order with or without modification, no mobile base stations shall be erected within the development.

**Reason -** to ensure adequate protection from the potential of physical blocking and radio frequency interference to the Met Office satellite reception facility.

22) No tree shall be planted as part of the landscaping scheme for the site until the Local Planning Authority (in consultation with the Met Office) has approved in writing provisions within a 'Landscape Management & Maintenance Plan' to ensure that new tree planting shall only include species which are expected to reach a height at maturity of no higher than the ridge height of the dwellings as shown on any Proposed Roof Height Plan submitted as part of any reserved matter application submitted pursuant to this outline permission, and that long term management provisions are in place to ensure that all trees and hedgerows provided as part of the landscaping scheme will be managed at a height so as not to cause unacceptable interference to Met Office satellite reception facility at Met Office.

**Reason -** to ensure adequate protection from risk of physical blocking of Met Office satellite reception facility.

23) Any application for approval of Reserved Matters submitted pursuant to this outline permission shall be accompanied by an Electric Vehicle Charging Strategy that demonstrates how provision will be made to ensure that appropriate provision of

electric vehicle charging infrastructure is provided within development. Thereafter the development shall be implemented in accordance with the approved details.

**Reason** - To ensure that the development incorporates appropriate provision in recognition of the Council's Net Zero Exeter 2030 Plan and the National move towards electric vehicles and the promotion of sustainable modes of transport.

## **INFORMATIVES**

1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

2) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact 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 (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

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

4) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

5) Further to the letter dated 9th March 2022 from HB Land Ltd on behalf of the Hill Barton Consortium acknowledging that the application seeks permission for up to 285 dwellings and the need for the layout to demonstrate an acceptable level of urban design, your attention is drawn to the fact that the illustrative layout (drawing no. 3000 Rev K – Outline Masterplan Layout) submitted as part of the outline application (within which all matters are reserved for subsequent approval) is not considered to constitute a high quality design led layout that would comply with both local and National policies relating to design matters. Consequently your attention is drawn to the need for any subsequent 'reserved matter' applications to demonstrate a high quality urban design approach to justify the ultimate number of dwellings proposed that reflects local development plan design policies/guidance and national advice contained within the NPPF (chapter 12) and relevant Planning Practice Guidance, the National Design Guide and National Model Design Code.

6) The applicants attention is drawn to the need to meet the Exeter Airport Aerodrome Safeguarding criteria as contained in the Airport Operators Association (AOA) Advice note 4 - 'Cranes and other Construction Issues'.

7) The applicant is advised that they should contact the Met Office to discuss specific issues regarding their operational requirements as part of the development of future reserved matter applications to ensure that any proposals adequately address potential impacts on the Met Office's operational capabilities arising from the development to avoid the need for significant changes to proposals post formal submission.

**B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 25<sup>th</sup> October 2022 OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT)**

- 1) In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority which makes provision for the following matters –
  - 35% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate), 5% wheelchair accessible, mix of dwelling types, cluster sizes.
  - District Heating obligations
  - Public open space, including play facilities – specifications, delivery triggers, public access, management arrangements
  - £166,349 towards patient space at GP Surgeries (£584 per dwelling)
  - £186,117 contribution towards Special Education Needs provision (£653.04 per family type dwelling)

- £1,033,928 contribution towards new secondary school provision at South West Exeter (£3,627.82 per family type dwelling)
- £550,568.70 Transport Contribution to mitigate the transportation impacts of the development (£1931.82 per dwelling)
- Habitats Mitigation Contribution - £1130 per affordable housing dwelling in respect of which CIL Social Housing Relief is granted.

The proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6 and 10, policies CP4, CP5, CP7, CP9, CP10, CP13, CP16, CP17, CP18 and CP19, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1, T3 and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.