

LAND AT ALDENS FARM WEST, ALPHINGTON, EXETER

PLANNING STATEMENT

PREPARED FOR
BURREINGTON ESTATES LTD

APRIL 2020



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PLANNING STATEMENT

PREPARED FOR BURRINGTON ESTATES LTD

1. Introduction

- 1.1 This statement has been prepared by PCL Planning Ltd on behalf of Burrington Estates Ltd. The statement has been prepared in support of an outline planning application for development of circa 116 dwellings on land at Aldens Farm, Alphington, Exeter.
- 1.2 The application was originally submitted to the local planning authority in 2015 by NPS on behalf of Devon County Council. The application was recommended for approval by officers, and was referred to planning committee on 3rd December 2018. Members voted to defer the application, seeking clarification on a number of matters principally relating to compliance with the Alphington Development Brief SPD, delivery of infrastructure and s106 obligations.
- 1.3 This statement seeks to address the matters that were raised by members at committee and should be read alongside the package of updated information submitted in support of the application, which comprises:
- Illustrative Layout Plan (Rushbrooke)
 - Design and Access Statement (Rushbrooke)
 - Updated Flood Risk and Drainage Strategy (JRC Consulting)
 - Updated Transport Assessment (Hydrock)
 - Updated Ecological Impact Assessment (Green Ecology)
 - Updated Air Quality Assessment (Kairus)

1.4 This statement provides an assessment of the proposals against the relevant planning policy framework. The statement focuses on the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the Development Plan (DP) unless material considerations indicate otherwise. Such material considerations include the National Planning Policy Framework (the Framework). The statement will draw conclusions with regards to compliance with the DP, balanced against other material considerations.

2. Site Location and Description

- 2.1 The application site extends to approximately 4.1 ha and comprises two fields currently in agricultural use, situated towards the south-west of Alphington, Exeter.
- 2.2 The site is allocated for development in the adopted Exeter Core Strategy (policy CP19), and forms part of a larger urban extension 'South wWest Exeter', which also encompasses land further south within the adjoining Teignbridge District.
- 2.3 The site adjoins existing residential development to the north and is bound by Shillingford Road to the west and Markham Lane to the south. Chudleigh Road, to the east of the site, connects Alphington with the A379 to the south, which in turn provides access to the M5 and the A38/A30 trunk roads.
- 2.4 The site slopes gently up from the north to the south, where it meets the natural ridge line. The fields are bound by traditional hedgerows of varying quality.
- 2.5 Alphington is a largely residential area of Exeter, with facilities including a primary school, church, various local shops, a village hall, a community hall and a doctors' surgery. Matford Industrial Estate and Marsh Barton Trading Estate are situated in close proximity to the site and are a major source of employment in the area.
- 2.6 The site is not subject to any statutory or non-statutory designations. There are no listed buildings/ structures on or adjoining the site. The nearest listed building is The Gables (Grade II) which adjoins Chudleigh Road, further south east of the site. The site falls within Flood Zone 1, placing it at low risk of flooding.

3. The Proposal

- 3.1 The proposed development is an outline planning application for residential development. Other than the means of access proposed, all matters are reserved for future consideration. The proposed means of access is off Shillingford Road to the west, via a simple T-junction arrangement.
- 3.2 Details relating to layout, appearance, landscaping and scale are 'reserved matters' and therefore are not submitted for determination at this stage. However, an indicative layout plan has been prepared to support this application.

4. Relevant Planning History

4.1 This application was originally submitted to the local planning authority in 2015 by NPS on behalf of Devon County Council. The application was presented to planning committee on 3rd December 2018, jointly with the Aldens Farm East application (ref. 15/ 0640/OUT, for up to 234 dwellings) which was submitted at the same time. Both applications were recommended for approval by officers, subject to conditions. However, the applications were deferred for the following reasons, recorded in the committee minutes:

- *The failure to adequately meet requirements of the Alphington Brief;*
- *The percentage of affordable housing proposed;*
- *Uncertainty about health/school provision;*
- *Lack of sufficient community infrastructure;*
- *The failure to bring forward a Park and Ride facility for this side of the City;*
- *Need for greater open space;*
- *The stalled progress on the delivery of Marsh Barton Rail Halt; and*
- *An outdated Transport Plan for the area given both the developments and that proposed within the Teignbridge boundary.*

4.2 The matters that were raised by members at committee are addressed in this Statement, and within the package of updated information submitted in support of the application.

5. The Development Plan

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the Development Plan (DP) unless material considerations indicate otherwise. The DP in this case comprises:

- The relevant policies of the Exeter Core Strategy (adopted February 2012)
- The saved policies of the Exeter Local Plan First Review 1995-2011 (adopted March 2005)

Exeter Core Strategy 2006-2026

5.2 The site forms part of a larger planned urban extension encompassing adjoining land within Teignbridge District, to the south.

5.3 Within the Exeter Core Strategy (Policy CP19), land south of Alphington (which includes the application site) is proposed to deliver around 500 dwellings and associated infrastructure.

5.4 Within the adjoining Teignbridge District, policy SWE1 of the adopted Teignbridge Local Plan (adopted May 2014), allocates an area of approximately 92 ha (referred to as SWE1, South West Exeter Urban Extension) to be developed for the provision of at least 2,000 new homes, employment, education, green space, community facilities and associated infrastructure including public transports and highways improvements.

5.5 The Exeter Core Strategy (adopted February 2012) sets out the vision, objectives and strategy for the spatial development of the city up to 2026. The following policies are relevant to the proposal:

- CP1: Spatial Strategy
- CP3: Housing
- CP4: Density

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- CP5: Meeting Housing Needs
 - CP7: Affordable Housing
 - CP9: Transport
 - CP10: Community Facilities
 - CP11: Environmental Mitigation
 - CP12: Flood Risk
 - CP13: Decentralised Energy Network
 - CP14: Renewable and Low Carbon Energy
 - CP15: Sustainable Construction
 - CP16: Green Infrastructure
 - CP17: Design and Local Distinctiveness
 - CP18: Appropriate Infrastructure
 - CP19: Strategic Allocation

The saved policies of the Exeter Local Plan First Review (1995-2011)

5.6 Under the transitional arrangements for the replacement of local plans with Local Development Frameworks (LDFs) the majority of policies from this plan have been saved, apart from those policies that have since been replaced by the Exeter Core Strategy.

6. Other Relevant Material Considerations

The National Planning Policy Framework (the Framework), February 2019

6.1 The Framework sets out the Government's planning principles and policies for England and how these are expected to be applied and is an important material consideration.

6.2 With regards to decision taking, paragraph 11 of the Framework states that:

"Plans and decisions should apply a presumption in favour of sustainable development.

... For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

6.3 Paragraph 38 of the Framework states that local planning authorities should approach decisions on proposed development in a positive and creative way and seek to approve applications for sustainable development wherever possible.

6.4 Paragraph 54 states that LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum (paragraph 55) and planning obligations must only be sought where they meet all of the following tests (paragraph 56) – necessary to make the development acceptable in planning terms; directly related to

the development and fairly and reasonably related in scale and kind to the development.

6.5 Annex 2 of the Framework set out the definition of affordable housing, which includes:

- *Affordable housing for rent* – either for Social Rent or Affordable Rent, or which is at least 20% below local market rent;
- *Starter homes* – as defined in the Housing and Planning Act 2016/ any secondary legislation;
- *Discounted market sales housing* – sold at a discount of at least 20% below local market value; and
- *Other affordable routes to home ownership* - e.g. shared ownership, relevant equity loans and other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy.

Five Year Housing Land Supply

6.6 The Council accepts that they are currently unable to demonstrate a five year supply of deliverable housing land. The proposed residential development of the site, which is allocated in the Local Plan, accords with Development Plan (paragraph 11(c) of the Framework). As the Council is unable to demonstrate a 5YLS, other relevant housing policies (including CP7 affordable housing) in the Local Plan are 'out of date' (paragraph 11(d) of the Framework) and inconsistent with the Framework.

South West Alphington Development Brief SPD (June 2014)

6.7 The Development Brief provides supplementary planning guidance to the adopted Core Strategy in relation to the development of the South of Alphington allocation to assist those involved in designing any new development at the site. The document does not form part of the Development Plan, but is a material consideration in planning decisions.

6.8 The SPD states that the area should be developed as a place which provides homes, including affordable homes, that are of a high standard of design; make the best possible use of land and an excellent contribution to the character and appearance of Alphington; include high quality community facilities for new residents including public open space; encourage residents to walk, cycle or use public transport and use low and zero carbon energy and make efficient use of natural and local resources.

6.9 The SPD states of particular relevance to this outline application:

- All new homes should be within easy walking distance of public open space, to include a LEAP on that part of the site to the west of Chudleigh Road.
- A total of 1.44ha of the allocation should be provided as level public open space. The public open space should be an integral element of the site's overall design and located so as to maximise the use of SuDs and contribute to biodiversity conservation and enhancement.
- Development should represent the efficient use of land and that an average net density of less than 30dph is unlikely to be consistent with this, with recent developments on the edge of Exeter having achieved around 35dph.
- 35% affordable housing should be provided, subject to viability, on site as an integrated part of the scheme.
- Development must be of a high standard of design, with a Design and Access Statement provided to set out the design concept and principles that have informed the proposals.
- Development should be supported by relevant information including Ecology Report and Air Quality Management Assessment.
- Development must provide for a net gain in biodiversity at the site. Development must avoid damage to features of ecological value, mitigate any direct impacts and finally offset any unavoidable residual impacts.
- Developer contributions will be sought towards transport improvement schemes (village public realm enhancement, Loram

Way cycle link and upgrade of/ extension to a bus services) as well as to establishing a car club at the site.

Other Supplementary Planning Documents

6.10 The Council has a range of other supplementary planning documents, which provide further guidance on a range of matters including Affordable Housing (April 2014), Archaeology and Development (November 2004), Planning Obligations (April 2014) , Public Open Space (September 2005) and Sustainable Transport (March 2013), which have been taken into account as part of the application proposals.

CIL Regulation 122

6.11 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), sets out the statutory tests for planning obligations and states that:

"A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development"*

7. Addressing Committee Deferral Reasons

Meeting the Alphington Development Brief

- 7.1 The Alphington Development Brief SPD provides additional guidance in relation to the development of the area, and supplements policy CP19 of the Core Strategy which designates the land as part of the Strategic Allocation, as well as policy CP17 which sets out development principles for the allocation. Whilst a material consideration, the SPD is not part of the Development Plan.
- 7.2 A number of points set out in the SPD relate to other parts of the allocation (such as the area to the west of Shillingford Road, and east of Chudleigh Road); relate to matters of detailed design (such as ensuring appropriate levels of vehicular and cycle parking provision; designing streets in accordance with Manual for Streets), which would be addressed at the 'reserved matters' stage, or will be addressed by planning conditions (e.g. provision of a Construction and Environmental Management Plan and noise assessment to be agreed with the LPA).
- 7.3 It is considered that the application meets the overall objectives of the Brief and will ensure that the proposals will secure a high quality development.
- 7.4 The illustrative layout plan which has been prepared for the site follows the general development principles outlined on the Development Area Plan (Figure 1) of the SPD which identifies the application site (forming part of the western area of land) for residential development, incorporating a LEAP, and with a single point of access onto Shillingford Road.
- 7.5 Given the period of time that has passed since the application was referred to committee, a number of updated reports have been prepared including design and access statement, ecology, flood risk and drainage, transport and air quality have been prepared to ensure they application is supported by relevant up-to-date information.

7.6 Of relevance to particular points set out in the SPD:

- The Design and Access Statement demonstrates how the illustrative scheme demonstrates design quality and is appropriate to the site's context.
- The updated Ecological Impact Assessment confirms that the existing habitat types and distribution are largely consistent with the previous reports, with no evidence to suggest any changes to protected/ notable species have occurred. Whilst the proposed development would result in the loss of some habitats, a range of mitigation measures are proposed to be incorporated to minimise any adverse impacts and enhancements including the provision of new and enhanced hedgerow, tree and other landscape planting, incorporation of an attenuation basin and creation of other habitat features (e.g. nest boxes and habitat piles) will result in a net gain for biodiversity).
- Both the illustrative layout plan and drainage strategy indicate how the proposed public open space could be located so as to maximise the use of SuDs and contribute towards biodiversity enhancement. Further details would be provided at reserved matters application.

7.7 When the application was reported to committed, contributions towards a range of highway improvements, including the schemes identified in the Development Brief (Alphington public realm works; Loram Way cycle link and bus service upgrade/ extension) were sought by the local planning authority, together with car club, travel planning and traffic regulation orders. It is anticipated that a similar package will need to be agreed and will be subject to further discussion.

7.8 It is therefore considered that the proposals will accord with the guidance set out in the Alphington Development Brief SPD.

Provision of Affordable Housing

- 7.9 Policy CP7 of the Exeter Core Strategy seeks 35% of the total number of units on sites to be for affordable housing.
- 7.10 When application was presented to committee in 2018, 30% affordable housing was proposed, following the submission of viability information, with 70% social rent and 30% intermediate affordable housing (e.g. shared ownership).
- 7.11 Since the committee meeting, the revised Framework (2019) has been published, which sets out a range of affordable housing types (as set out at paragraph 6.5 above). The Framework post-dates the adoption of the Core Strategy (in February 2012). As the Council cannot demonstrate a five year supply of deliverable residential land, policy CP7 is an out of date policy and consideration should be given to the weight to be accorded to prevailing Government policy.

Uncertainty about health/school provision and lack of sufficient community infrastructure

- 7.12 As we understand, the concerns which were expressed by members related to the ability of the County Council to deliver infrastructure associated with the wider South West Exeter Urban Extension.
- 7.13 The Officer Report acknowledged that Devon County Council as the education authority, were progressing proposals for an all-through school (primary and secondary), to be located in Teignbridge District, which would serve the educational needs of all the South West Exeter developments, including this site.

7.14 Since the application was considered at committee, outline planning permission has been granted on land to the south (application ref. 15/00708/MAJ, approved November 2018) and includes a local centre (use classes A1, A2, A3, A4, A5, D1 and B1), education facilities, as well as land for a community building (use class D2). This application pre-dates the latest changes to the CIL Regulations (which came into force on 1st September 2019). Part of the CIL liability for this development would have been put towards education provision, in accordance with the CIL charging schedule ('Regulation 123 list') applicable at that time.

7.15 The proposals for the 'all through' school – which will also include nursery provision, are being progressed. The school has been secured as part of the central government's 'free school' programme and will be delivered by the Education and Skills Funding Agency (ESFA) and run by the Ted Wragg Multi Academy Trust. Devon County Council are understood to be working closely with the ESFA and they anticipate that the school will be in place alongside the delivery of development.

The stalled progress on the delivery of Marsh Barton Rail Halt and the failure to bring forward a Park and Ride facility for this side of the City

7.16 The Officer's Report to committee recorded that:

"It is accepted that the proposed new railway halt at Marsh Barton would help to improve the public transport options for existing residents living in Alphington and those within the development site and reduce the reliance on private car travel. However although the new railway halt has been delayed, the proposed developments are not dependent on its construction for the sites to be acceptable in transport terms"

7.17 The Council therefore accepts that the railway halt is not a pre-requisite for the development of this site and the Highways Authority did not raise any concerns in relation to this matter as part of their previous comments to the application. The same can be said in relation to the delivery of the park and ride facility, which is not specifically required as a result of the application proposals.

7.18 It is understood that Devon County Council's Cabinet has recently approved the principle of a Park and Ride facility at Peamore which, when constructed, would be expected to have a positive effect on traffic flows between the A379, through Alphington, Marsh Barton and into the city centre (paragraph 6.2.3 of the Transport Assessment).

Need for greater open space

7.19 Core Strategy CP19 (Strategic Allocations) does not specify a quantum of open space provision to be made across the allocation. The policy states that the area should provide around 500 dwellings and associated infrastructure including a green infrastructure framework.

7.20 The Alphington Development Brief SPD however, indicates that across the whole of the allocation a total of 1.44ha should be provided as level public open space. The open space should be an integral element of the site's overall design and include a LEAP on the part of the site to the west of Chudleigh Road (and a NEAP incorporating MUGA) on the part of the site to the east of Chudleigh Road.

7.21 The wider site allocation area extends to circa 14.9ha, and hence the indication in the Brief is that around 10% of the site area should comprise public open space.

7.22 The illustrative layout plan provides an indication of the proposed area of public open space, incorporating a LEAP, towards the north of the site. However, the exact size and location of the open space would be determined at reserved matters stage in due course.

7.23 In the Officer's Report to the previous committee, a condition was proposed which would require details of the public open space, to be not less than 10% of the total site area and including children's play equipment to be agreed with the local planning authority and this would be acceptable to the applicant.

Outdated Transport Plan

- 7.24 An updated Transport Assessment has been prepared by Hydrock. The TA provides an up to date assessment of existing traffic conditions, the development proposals and likely trip generation, as well as likely future traffic growth over the next five years.
- 7.25 The assessment sets out that the site is accessible to local facilities and public transport opportunities and therefore provides good opportunities to travel to and from the site by sustainable modes.
- 7.26 Traffic survey data demonstrates that existing traffic flows within the vicinity of the site are relatively low and there are no discernible patterns in recent accidents on the local road network to suggest there are any existing material highway safety issues.
- 7.27 The study area for the assessment has been agreed with Devon County Council and looks at the following junctions:
- Junction 1 – Chudleigh Road/ Shillingford Road/ Chantry Meadow double mini roundabout.
 - Junction 2 – Church Road/ Alphin Brook Road/ Powlesland Road roundabout junction.
- 7.28 Taking a 'worst-case' impact of residual car borne trips, the assessment concludes that the junctions are expected to operate within practical capacity in all scenarios modelled, with the addition of proposed development traffic, and that associated with the Aldens Farm East site. Therefore, it is considered that the existing highway network would accommodate the additional traffic arising from the proposed development without resulting in 'severe' impacts, and would be acceptable in terms of the requirements in the Framework (2019). The proposed development is therefore considered acceptable in transport terms.

8. Planning Balance and Conclusions

- 8.1 The application site comprises part of a wider area of land which is allocated for development in the adopted Core Strategy (policy CP19) to the south west of Exeter.
- 8.2 The application provides the opportunity to deliver number of much needed market and affordable homes and associated infrastructure, in accordance with the Development Plan and would make a valuable contribution to the Council's five year housing land supply position.
- 8.3 This is an outline application, with means of access to be determined only at this stage. Details of layout, scale appearance and landscaping are 'reserved matters' for future consideration. The proposed means of access has been considered acceptable by the Highways Authority, who raised no objection to the scheme when it was referred to committee in December 2018.
- 8.4 The application accords with the policies of the adopted Core Strategy as well as relevant material considerations including the Framework (2019) and guidance including the Alphington Development Brief SPD.
- 8.5 The application was previously recommended for approval by officers, but was deferred by members at committee. This statement has sought to address the matters which were raised by members.
- 8.6 The proposed development will result in a high quality scheme, which makes the efficient use of land and will deliver an appropriate level of public open space including children's play. Suitable conditions can be attached which relate to matters of detail, and contributions towards necessary infrastructure will be secured through a Section 106 agreement.
- 8.7 In light of the above, the development should therefore be approved without delay.