

PLANNING

Date: Monday 22 July 2019

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

Membership -

Councillors Lyons (Chair), Williams (Deputy Chair), Bialyk, Branston, Foale, Ghusain, Harvey, Mrs Henson, Mitchell, M, Morse, Pierce, Sheldon and Sutton

Agenda

Part I: Items suggested for discussion with the press and public present

1 Apologies

To receive apologies for absence from Committee members.

2 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item.

Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

3 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as

defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

Public Speaking

Public speaking on planning applications and tree preservation orders is permitted at this Committee. Only one speaker in support and one opposed to the application may speak and the request must be made by 10 am on the Thursday before the meeting (full details available on request from the Democratic Services Officer).

4 Planning Application No. 18/0368/OUT - WPD Depot, Moor Lane, Exeter

To consider the report of the Service Lead City Development.

(Pages 5 - 46)

5 Planning Application No. 18/0983/OUT - B&Q, Avocet Road, Sowton Industrial Estate, Exeter

To consider the report of the Service Lead City Development.

(Pages 47 - 88)

6 Planning Application No. 18/1007/FUL - Police Headquarters, Devon and Cornwall Constabulary Police Training College, Alderson Drive, Exeter

To consider the report of the Service Lead City Development.

(Pages 89 - 126)

7 Planning Application No. 18/1330/OUT - Land North of Honiton Road and West of Fitzroy Road, Honiton Road, Exeter

To consider the report of the Service Lead City Development.

(Pages 127 - 156)

8 Additional Report - Assessment of Cumulative Impact Issues

Additional report for information.

(Pages 157 - 172)

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 29 July 2019** at 5.30 pm in the Civic Centre.

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Agenda Item 4

COMMITTEE DATE: 22/07/2019

APPLICATION NO: 18/0368/OUT
APPLICANT: Mr Richard Walker, Richard Walker Developments Ltd
PROPOSAL: Outline application for the demolition of existing structures, site remediation and redevelopment to provide Classes A1 (retail), A3 (Cafes and Restaurants), associated access, internal circulation, service yards, parking, landscaping, public realm works, infrastructure and dedication of land for improvements to Honiton Road (all matters reserved except access).

LOCATION: WPD Depot, Moor Lane, Exeter, Devon, EX2 7JF

REGISTRATION DATE: 12/03/2018

EXPIRY DATE:

HISTORY OF SITE

01/0797/FUL -	Telecommunications equipment cabin	PER	12.07.2001
10/1613/FUL -	Vehicular access off Avocet Road	Withdrawn	26.11.2010
11/0487/FUL -	Vehicular access off Avocet Road	PER	30.06.2011
11/2015/FUL -	Vehicular access off Avocet Road (Amendment to 11/0487/03 granted 30/06/2011)	PER	16.02.2012

DESCRIPTION OF SITE/PROPOSAL

The site comprises the Western Power Distribution site, accessed off Moor Lane and Avocet Road on the Sowton Industrial Estate. The site is in St Loyes ward. The site area is 3.62ha. The site is bounded by Honiton Road to the north, Avocet Road and various retail and employment uses to the south and east, and Moor Lane and the Honiton Road Park & Ride to the west. The site excludes the electricity substation in the centre. The site includes hardstanding areas and several buildings. The Planning Statement states it is used predominantly for open storage and vehicle parking, and the Viability Reports describe it as a 'Vehicle Workshop Site'. It is screened by trees and other vegetation from Honiton Road and Moor Lane. It includes a tree plantation to the east/northeast, which is protected by TPO 348. There is contamination on the site. There are no above ground heritage assets in the vicinity. The site is in Flood Zone 1, but parts are at risk of surface water flooding. The site is in the Exeter Airport safeguarding area for buildings and works exceeding 15m in height. The site is located within an Existing Employment Area defined in the Exeter Employment Land Review 2009 and within a Retained Employment Site in the unadopted Development Delivery DPD (July 2015).

The application has been submitted in outline with all matters reserved except access. The proposal is to redevelop the site to provide a total of 7,962 sq m (gross) retail floorspace comprising 6,900 sq m (gross) for Class A1 (shops) and 1,062 sq m for Class A3 (cafes and restaurants), including associated service yards, parking and landscaping, following demolition of the existing buildings and remediation of the site. The existing Moor Lane access will be modified to left in, left out only. The Avocet Road access will provide an alternative access primarily catering to traffic travelling from the south. Both access points will also cater to pedestrians and cyclists with footways, and a third pedestrian/cycle access

will be provided from Honiton Road to the north near the existing pelican crossing. The Design and Access Statement (DAS) identifies an opportunity to extend the shared pedestrian/cycle path along Moor Lane by about 20m to the Moor Lane access. The DAS also states that whilst it does not form part of the proposals, the scheme can facilitate the land required to enable the widening of Honiton Road in accordance with Devon County Council's road widening scheme identified in its Transport Infrastructure Plan (March 2017) to improve capacity at the Moor Lane roundabout.

The following controls over the proposed retail floorspace have been suggested by the applicant:

- The total maximum net sales area within the development will be limited to 6,190 sq m, including up to 3,890 sq m net for comparison goods sales and 2,300 sq m net for convenience goods sales.
- Should a foodstore be provided within the development (selling mainly convenience goods), the unit will be between a minimum size of at least 1,000 sq m net sales and a maximum of 2,300 sq m net sales for convenience goods and up to 317 sq m net for comparison goods sales.
- In addition to a foodstore, if provided, there will be a maximum of 4 other Class A1 retail units.
- Footwear and clothing will only be able to be sold from one of the proposed Class A1 units.
- There is a proposed commitment from the applicant to provide a pharmacy within the development for at least 10 years.
- Following the construction of the Class A retail units, there will be no subsequent change in unit sizes (i.e. sub-division or amalgamation).
- There is a proposed commitment from the applicant to ensure that there will be no occupation by any retailer(s) with an Exeter city centre presence unless they commit to remain in the city centre for at least 5 years post occupation.
- There will be up to four separate Class A3 café/restaurant units within the scheme.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Design, Access & Landscape Statement (February 2018)
- Planning Statement
- Retail Assessment (February 2018)
- Transport Assessment (PCL Transport, 2 March 2018)
- Framework Travel Plan (PCL Transport, 2 March 2018)
- Generic Quantitative Risk Assessment (CCLS, 23 August 2016)
- Geotechnical Assessment and Factual Geo-environmental Report Version 2 (South West Geotechnical Ltd, October 2016)
- Flood Risk Assessment (Sands, February 2018)
- Preliminary Ecological Appraisal (Tamar Ecology, February 2018)
- Bat Survey (Tamar Ecology, July 2016)
- Arboricultural Impact Assessment & Tree Protection Plan with Arboricultural Method Statement (Evolve Tree Consultancy, 26 February 2018)

Additional Information Submitted During Application

- Phase 1 Desk Study and Preliminary Risk Assessment (CCLS, 5 February 2016)
- Transport Assessment (Trace Design, March 2018)
- Framework Travel Plan (Trace Design, March 2018)
- Viability Report Addendum (March 2018)

- Air Quality Assessment V3 (Kairus Ltd, 04/05/18)
- Viability Report Further Addendum (July 2018)
- Transport Assessment (Trace Design, July 2019)
- LinSig modelling Data and Results of local highways
- Drawing number 4339-002 A ('Onsite Measurements')
- Drawing number 4339-003 B ('Moor Lane, Exeter Layout')

REPRESENTATIONS

24 representations have been received, 16 objections and 8 in support. The issues raised in the objections were:

- Impact of out of town retail on vitality of the city centre.
- Objection to Travel Plan, site is not sustainable – poor access for pedestrians and cyclists.
- Impact on congestion and health from air pollution.
- Development is car centric.
- Impact on Exe Bridges Retail Park/St Thomas district centre.
- If development goes ahead the developer should fund more significant improvements for cyclists and pedestrians.
- Safety for vulnerable road users on Moor Lane roundabout should be prioritised.
- Character against CS policies CP1 and CP8, and is car-based.
- Does not provide an attractive 'gateway' to the city.
- Car park will attract anti-social behaviour.
- Services required for local housing and businesses.
- Impact on city centre and Cranbrook.
- Impact on Cranbrook town centre investment.
- Fails sequential test in regard to Cranbrook.
- Destabilising impact on established retail hierarchy.
- Impact on traffic generation and air quality.
- Impact on use and operation of Park & Ride site from overflow parking.
- Cumulative traffic impacts have not been assessed.
- Impact on M5 junction and other junctions in the vicinity.
- Poor access to bus stops.
- Access aimed at private car users – does not prioritise access for sustainable modes in accordance with the NPPF.
- Absence of strategy to mitigate air quality impacts.
- Departure from adopted Development Plan.
- See no evidence supporting the need for additional comparison retail space on this scale, in an out-of-centre location.
- Contrary to paragraphs 103, 108 and 110 of NPPF2 and Policies CP8 and CP18 of the Core Strategy.
- Proposal represents unsustainable development.

The issues raised in the letters of support were:

- Will relieve congestion in the city centre and allow a larger bus station.
- Good access for motorists and bus users via Park & Ride.
- Need for retail investment to cater to houses being built to the east of Exeter.
- Good for local workers and travellers on M5.
- Footbridge connection would be good idea.
- Positive step to regenerate the area.

- Will create more welcoming entrance to Exeter from Junction 29.
- Will add much needed local facilities for employees to walk to.
- Will help local businesses economically.
- Will improve outlook of the business park.
- Will regenerate a brownfield site.

CONSULTATIONS

Highways England: No objection. The trip rates in the assessment (PCL Transport) appear appropriate. The two-way trip generation of the development is predicted to be 300 trips in the evening peak and 381 trips during the Saturday peak. The applicant has relied on the trip distribution assessment for the adjacent B&Q site (ref. 15/1065/OUT), which is based on a retail impact assessment and thus appears appropriate. The applicant has indicated that approximately 16% of all trips from this development will route across the M5 at Junction 29. This would equate to 25 arrivals and 23 departures during the PM peak, approximately 1% of the current flows at Junction 29. Highways England does not consider this to be a significant increase in traffic. Furthermore, the trip generation figures are overly robust and are likely to be overstating the likely impact. It is accepted the development will have little impact on traffic levels in the weekday AM peak hour.

Local Highway Authority (DCC): Objects – Concerns raised with trip generation methodology. Notwithstanding, the development will substantially increase traffic movements at the retained access point, Moor Lane roundabout and Avocet Road junctions. Concerns raised over the intensification of use of the Moor Lane access. A Road Safety Audit has been requested for this access, but not been provided. Tracking diagrams show that an HGV and a car or two HGVs cannot pass at the Avocet Road access. Therefore, the applicant has stated that all deliveries will be made at a time when the retail units are closed. The junction modelling is flawed – further information requested; the impact on the Moor Lane/Avocet Road junction is a significant concern and no mitigation has been proposed to address this. The proposed pedestrian/cycle access to Honiton Road is welcomed, although it is unknown whether this access will be accessible to disabled people. The applicant should investigate other pedestrian and cycle enhancements to Sowton – more information is required in this respect. 383 parking spaces are indicated to serve the proposal. Cycle parking facilities should be provided in accordance with the Sustainable Transport SPD and exceed the minimum standards where practical. A Travel Plan is required. Recommend refusal unless additional information provided.

(The above comments do not take into account the revised Transport Assessment, drawings and documents received on 9 July 2019)

Lead Local Flood Authority (DCC): Objected originally, but withdrew objection following the submission of additional information. Now satisfied with the surface water drainage scheme proposed. Above-ground source control components must be explored to avoid managing all of the surface water at one concentrated point. Pre-commencement conditions recommended for detailed design of permanent and construction phase schemes.

Exeter International Airport: Objects – Objects unless all safeguarding criteria are met, as stipulated in the AoA Advice Notes. The proposed development site is only 3.5km from and directly under the extended centreline of the airports runway, an area where aircraft are in a critical phase of flight either arriving or departing. There are several obstacle limitation surfaces that pass over the site that must not be penetrated at any time either by permanent structures or temporary obstructions such as cranes and other tall equipment. There is no information within the planning application that refers to building heights but the lowest and most restrictive obstacle limitation surface in this location is 57m above sea level, 42m

above ground level. Lighting on site will need to be addressed as there must not be any lighting that can be confused with aeronautical lighting or cause any glare or dazzle to pilots. The landscaping scheme should not include large trees that over time could grow and penetrate the obstacle limitation surfaces and there should be nothing planted that would be attractive to birds that in turn could increase the risk of birdstrike to aircraft.

Environment Agency: The development will be acceptable, subject to contaminated land conditions.

Natural England: No objection with regard to statutory nature conservation sites. Refer to standing advice in regard to protected species. Green infrastructure should be encouraged in the development.

RSPB: No response.

South West Water: No objection.

Devon & Somerset Fire & Rescue Service: The drawings appear to satisfy the criteria required for access and water supplies under the building regulations, so no objection at this time.

East Devon District Council: Objects – It is good that Cranbrook has been considered in the retail assessment, albeit briefly. However, a detailed assessment of the suitability of Cranbrook Town Centre should be carried out, as the assessment relies on the Exeter and West End of East Devon Retail and Leisure Study 2016 carried out by GVA on behalf of Exeter City Council and East Devon District Council. The applicants have misunderstood the study, as it does not say that “Cranbrook should be... catering for locally generated and relatively small scale need”. Cranbrook is envisaged to play a much wider role than just addressing locally generated needs. A more considered and detailed assessment of the appropriateness of Cranbrook town centre to accommodate the proposed development should therefore be undertaken. No impact assessment has been carried out on Cranbrook or other retail proposals in the west end of East Devon. Furthermore the assessment does not appear to follow the guidance in the PPG. The application does not comply with guidance in the NPPF and PPG as the submitted sequential test is insufficient and the impact assessment does not consider the impact on the town centre of Cranbrook.

Met Office: The north-west corner of the proposed development falls within the Met Office consultation zone map issued under the Town & Country Planning (Safeguarded Meteorological Sites) (England) Direction 2014. Therefore, the Met Office wish to be consulted if any building or structure is to exceed 45m in height above ground level. Given the scale of the proposed development, the Met Office are unlikely to have any objections, and need only be consulted if any building or structure is to exceed 45m in height above ground level.

Exeter Chamber of Commerce & Industry: No response.

Exeter Cycling Campaign: Objects – The proposal conflicts with Core Strategy policies CP1 and CP8. The type and scale of development proposed as part of this retail park, with an emphasis on ‘warehouse style’ units for comparison goods, drive-up restaurants and extensive free car parking is not in accordance with this policy. The site has poor quality access for pedestrians and cyclists and the proposal fail to consider improvements to pedestrian and cycle infrastructure in the wider area. The proposal does not comply with Core Strategy Policy CP9 or Local Plan Policy T3 – the proposal is a car-centric development that will encourage people to drive and take advantage of free car parking. The proposal will have a negative impact on air quality. The proposal will have a negative impact

on road safety contrary to the NPPF, particularly as Honiton Road/Moor Lane roundabout is a collision cluster spot. If permission is granted, significant financial contributions should be secured to mitigate the road safety and air quality impacts of the proposal.

Environmental Health: Objects – Insufficient mitigation of air quality impacts. Not clear how much of the proposed mitigation is new, i.e. additional to what's already proposed in Transport Assessment. Only new commitments would count, as presumably existing commitments have already been taken into account in the TIA. The applicant is invited to propose a scheme of mitigation against the air quality impact of the development. Should agreement be reached over this issue and consent granted, the following conditions should be included: CEMP, Litter Management, Kitchen Extraction, Lighting, Noise, Contaminated Land).

Arboricultural Officer: No arboricultural objections. The landscaping along the north boundary provides an important screen between the site and A30 and should be preserved, enhanced or replaced with a robust landscape scheme to ensure the long-term retention of this feature.

Place Making Officer: Trees will need to be taken into account in the layout of the proposal at reserved matters stage. The buildings should establish a building line that responds positively to Honiton Road. The illustrative layout does not allow sufficient width to allow future road widening by DCC, tree planting and potential retaining walls.

NB. Should the Planning Committee resolve to approve the application, the Secretary of State for the Ministry of Housing, Communities & Local Government will need to be consulted in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 before the decision is issued.

PLANNING POLICIES/POLICY GUIDANCE

Government Guidance

National Planning Policy Framework (NPPF) (February 2019)
Planning Practice Guidance (PPG)

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives

CP1 – Spatial Strategy

CP2 – Employment

CP8 – Retail

CP9 – Transport

CP11 – Pollution

CP12 – Flood Risk

CP13 – Decentralised Energy Networks

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

CP18 – Infrastructure

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

AP1 – Design and Location of Development

AP2 – Sequential Approach

E3 – Retention of Employment Land or Premises

S1 – Retail Proposals/Sequential Approach
S2 – Retail Warehouse Conditions
S5 – Food and Drink
T1 – Hierarchy of Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
LS4 – Nature Conservation
EN2 – Contaminated Land
EN3 – Air and Water Quality
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG3 – Commercial Development

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

W4 – Waste Prevention
W21 – Making Provision for Waste Management

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

DD1 – Sustainable Development
DD3 – Retention of Employment Land
DD4 – Provision of Local Services in Employment Areas
DD5 – Access to Jobs
DD20 – Accessibility and Sustainable Movement
DD21 – Parking
DD25 – Design Principles
DD26 – Designing out Crime
DD30 – Green Infrastructure
DD31 – Biodiversity
DD32 – Local Energy Networks
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents

Sustainable Transport SPD (March 2013)
Planning Obligations SPD (April 2014)
Trees and Development SPD (Sept 2009)

Devon County Council Supplementary Planning Documents

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

OBSERVATIONS

The key issues are:

1. The Principle of the Proposed Development
2. Access and Impact on Local Highways
3. Parking
4. Impact on Air Quality
5. Contaminated Land
6. Impact on Amenity of Surroundings

7. Impact on Trees and Biodiversity
8. Flood Risk and Surface Water Management
9. Sustainable Construction and Energy Conservation

1. The Principle of the Proposed Development

This application is one of four pending applications for significant retail and associated development along the Honiton Road corridor to the east of the city. All four applications are being brought to committee at the same time, so that a choice can be made on which should be approved taking into account their merits and cumulative impacts. This follows the advice of the Council's external retail consultant, Avison Young (formerly GVA). For information, the other pending applications are listed below:

- 18/0983/OUT – Outline planning permission for a retail park (Class A1) along with complementary cafe/restaurants (Class A3) including means of access (all other matters reserved). (At B&Q, Avocet Road, Sowton Industrial Estate)
- 18/1007/FUL – Demolition of existing buildings and construction of a mixed use development comprising Class A1 retail units; Class A1/A3/A5 food and drink units with drive through facilities; Class D2 health & fitness use; management office, customer toilet facilities, and associated access, parking, and landscaping. (At Police Headquarters, Devon And Cornwall Constabulary Police Training College, Alderson Drive)
- 18/1330/OUT – Mixed use development to provide town centre facilities comprising uses within Classes A1 (Retail), Class A2 (Financial and Professional Services), Class A3 (Cafes and Restaurants) with associated Drive-Thru's, Class A5 (Hot Food Takeaways), Class D2 (Assembly and Leisure) with associated means of access, access roads, service yards, car parking, infrastructure, public realm and landscaping (all matters reserved except access). (At Land North of Honiton Road and West of Fitzroy Road)

Avison Young has prepared an assessment of the retail planning policy aspects of the application and also an assessment of the cumulative impact issues of the three applications except the Police Headquarters site (due to an unresolved highways objection). These reports are attached. The key issues are summarised below.

Sequential Test

The advice on the sequential test is consistent with the advice received on application 18/0076/OUT ('Moor Exchange') in that the only available sequentially preferable site is the Bus and Coach Station (BCS) site, however its suitability to be redeveloped for major retail floorspace is now in question, due to the challenging market conditions for retail development that had led to the developers of the site pulling out of a scheme to redevelop it for retail and leisure use in 2017. In addition, should a large food store become a formal and guaranteed part of the scheme this would rule out the BCS site as a sequentially preferable site. While the suggested conditions submitted by the applicant do not guarantee the delivery of a large food store, officers formed the view when dealing with Moor Exchange last year that the BCS site was not viable for major retail development and was therefore not a suitable alternative site. This remains the case today, as no interest has been made since 2017 to redevelop it for major retail floorspace.

In terms of Cranbrook Town Centre, the NPPF defines a town centre as an area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping

area. This is not the case with Cranbrook Town Centre at the current time, so a sequential test of the centre is not considered necessary.

Impact Test

There is no evidence to suggest that the proposal will have a significant adverse impact upon investment on the BCS site. In 2016, the Secretary of State determined that an earlier, larger proposal on the Moor Exchange site for a District Centre would not do so when there was at that time a live project to redevelop it for retail/leisure use.

Avison Young has also assessed the financial impacts of the scheme on the defined centres in Exeter. None of the impacts are considered to be significantly adverse warranting the refusal of the application in accordance with NPPF paragraph 90, taking into account the Council's position at the public inquiry held in December 2015 regarding the earlier application on Moor Exchange. The assessment notes the following impacts:

- A 3% impact on the convenience goods sector in the city centre;
- A 4% impact upon foodstores in Heavitree district centre;
- A 5% impact upon foodstores at St Thomas district centre (influenced primarily by the impact on the M&S Foodhall);
- A 1.6% impact upon the city centre's comparison goods turnover (based upon a diversion of £13.83m); and
- A 6% impact upon St Thomas district centre (influenced primarily by the impact upon stores in the Exe Bridges part of the district centre).

Avison Young have also carried out a cumulative retail impact assessment of this application and the applications on the B&Q and Moor Exchange sites. It did not include the application on the Police Headquarters site, due to an objection by the Local Highway Authority to this scheme over the access arrangements. The cumulative assessment concludes that only one of the proposed schemes should be permitted to avoid significant adverse impacts on Exeter City Centre and St Thomas District Centre. Provided the applications are acceptable in all other respects, this requires a judgement to be made over which application should be approved. Officers consider that the salient factors in making this determination should be the accessibility of the sites to the local community by sustainable modes of travel and how well the proposals serve the local community's day-to-day needs. Due to its close proximity to housing in Hill Barton Vale and its wider mix of uses, the current Moor Exchange application is considered to be the most sustainable out of the three.

In addition, paragraph 87 of the NPPF states that when considering out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. There are bus stops on Honiton Road directly adjoining the Moor Exchange site with regular services to/from the City Centre, which is not the case for the other applications. The nearest bus stop to the WPD Depot site is the Park & Ride service beyond Moor Lane to the southwest. Therefore, Moor Exchange is considered to have the best access to the City Centre by public transport.

The current Moor Exchange application is therefore recommended for approval. If Members decide to approve the Moor Exchange application, then this application (WPD Depot) should be refused due to the cumulative impacts of the proposal on the City Centre and St Thomas District Centre.

Employment Land

The Planning Statement states that the site is used predominantly for open storage and vehicle parking. The Viability Reports describe it as a 'Vehicle Workshop Site' that has been used for 'heavy industry purposes'. It is therefore considered to be a mixed use site comprising B2 (General industrial) and B8 (Storage or distribution) uses. The site is located within an Existing Employment Area defined in the Exeter Employment Land Review 2009 and within a Retained Employment Site in the unadopted Development Delivery DPD (July 2015). Policy E3 does not permit the loss of employment land or premises where it would harm business or employment opportunities in the area. This policy is generally consistent with Policy CP2, which states that Sowton together with other employment areas of the city will be retained in employment use, except where their loss would not cause harm to business or employment opportunities or where there are unacceptable amenity impacts for local residents. Paragraph 5.25 of the supporting text to this policy states that it is vital that existing employment sites, premises and allocations that are viable for continued employment use are safeguarded, and the release of viable employment sites or premises to other uses may only be made where their loss would not cause harm to business or employment opportunities, or where there are unacceptable amenity impacts for local residents.

The site is still in use for employment purposes. However, the applicant has stated that it is under-utilised and the application will deliver a mixed retail scheme that addresses a clear need in the eastern part of the city. The viability reports submitted state that redevelopment of the site to provide B1 (offices), B2 or B8 uses would be unviable to deliver, however officers have taken external expert advice questioning the veracity of this evidence. The agent has stated that the existing employment use could continue, although this would mean the site will remain contaminated and unsightly in appearance at a key gateway to the city. They have also stated that the site provides a low level of employment provision and is not an efficient use of the land.

Remediation of the contamination on the site would be an environmental benefit, however the Environment Agency has stated that based on the information provided to date, relatively low levels of contaminants have been found. There appears no clear evidence that this contamination is causing any environmental or amenity harm at present. The unsightliness of the site at a key gateway is also considered to be over emphasised given it is screened from view from the surrounding roads by vegetation and trees. The illustrative plan submitted with the application shows a large car park in the middle of the site that would in the opinion of officers do very little in enhancing the appearance of the site from Honiton Road (A30).

Redevelopment of the site for alternative employment uses is considered to be unviable by the applicant, in part due to significant 'abnormal costs' including ground remediation and diversion of cables. The Council's external expert has questioned these figures. Notwithstanding, it is unlikely these will be needed if the site is retained for open storage use. No evidence has been provided to test the market in this regard. As Members are aware, an application has recently been submitted for 465 residential dwellings on the Exmouth Junction site (ref. 19/0650/OUT), which accommodates an open storage use at present and the WPD Depot site would seem to be a good alternative site for this use to relocate to.

In light of the above, the application is considered to fail Policy CP2, which seeks to retain the established employment areas in the city in employment use, except where their loss would not cause harm to business or employment opportunities or where there are unacceptable amenity impacts for local residents. The application is also considered to fail Policy E3. The application should therefore be refused.

2. Access and Impact on Local Highways

The Local Highway Authority recommended refusal of the application until such time that further information was provided to confirm that the proposed access arrangements and impact on local highways were acceptable. Further information was required on: retail trip generation; junction modelling; road safety audits; walking and cycling access; and suggested mitigation.

A revised Transport Assessment was submitted on 9 July 2019 (8 months after the Local Highway Authority's response), together with junction modelling data and results, and drawings showing a proposed improvement scheme at the signalised junction of Moor Lane and Avocet Road, and a shared pedestrian/cycle route along Moor Lane.

Due to the very late submission of this information, the Local Highway Authority has not had time to review the new material or provide an updated response to the Local Planning Authority. An update will be provided on the formal Update Sheet or, if necessary, at committee.

Without confirmation that the proposed access arrangements and impact on local highways are acceptable, a reason for refusal should be added addressing this issue.

3. Parking

The indicative car parking standards set out in Table 3 of the Sustainable Transport SPD state that 1 space per 14 sq m (GIA) is required for food retail and 1 space per 20 sq m for non-food retail. This means that approximately 461 car parking spaces should be provided if the maximum floorspace applied for and the maximum convenience floorspace are delivered going by the adopted SPD.

The illustrative plan submitted with the application shows a large car park with 336 car parking spaces. However, the revised Transport Assessment states that it is likely to provide a total of 383 spaces. It states that the results of a car parking accumulation assessment demonstrate that the car park would experience a maximum occupation of only 54% (207 spaces) during the weekday and 62% (237 spaces) on Saturday. This indicates that the car park shown on the illustrative plan would have enough capacity and there should be no overspill parking on surrounding roads or in the Park & Ride car park.

'Layout' is a reserved matter, therefore the number of parking spaces will not be fixed as part of this application. Should the application be approved, officers will negotiate to see if a lower amount of car parking can be achieved in favour of improved facilities for pedestrians and cyclists within the site in the interests of reducing the impacts of climate change.

Stagecoach raised concerns regarding the implications for the Park & Ride site. If the application is approved, a condition should be added requiring a car park management strategy to ensure that appropriate restrictions are in place to prevent permanent parking in the car park, which may lead to overspill parking in the Park & Ride car park.

The Sustainable Transport SPD requires a minimum of 4 + 4% of the total capacity of the car park for disabled users. It also states that retail facilities should be future-proofed to provide charging points for electric vehicles. If the application is approved, a condition should be added securing disabled spaces and electric charging points accordingly.

The Sustainable Transport SPD includes minimum cycle parking standards for staff and visitors/customers, as well as design guidance on security. It also states that where more than 20 people are to be employed, showers, lockers and space to dry clothes must be

provided in accordance with Policy T3(c). If the application is approved, conditions should be added securing these facilities in the development accordingly.

4. Impact on Air Quality

The submitted Air Quality Assessment predicts the scheme will have an overall moderate adverse impact on air quality within the Air Quality Management Area (AQMA).

Environmental Health have recommended refusal because it is unclear whether the proposed air quality mitigation measures are new or things that the developers would be required to do already. The proposed measures are:

- Appropriate dust and pollution control measures during construction.
- Implement a Travel Plan (TP) aimed at reducing the number of car trips associated with the development by promoting more sustainable modes of transport such as walking, cycling and public transport. The TP would be executed through an appointed Travel Plan Coordinator and would implement the following measures:
 - Encourage cycling and walking to and from the site by employees and customers by:
 - ensuring internal layout of site facilitates connections to the site boundary for cyclists and pedestrians;
 - Provision of pedestrian links to existing footways on Moor Lane and avocet Road,
 - provision of cycle parking which complies with requirements of ECC. The cycle parking will be provided close to entrances of the retail units in well overlooked positions and include facilities to allow bikes to be securely locked;
 - provision of travel information on safe pedestrian and cycle routes;
 - provision of advice on cycle safety;
 - encourage the development of a bicycle user group.
 - Encourage the use of public transport by provision of information on public transport services and encouraging participation in national events such as 'in Town without my Car Day'. This information will be provided for all employees directly or on information boards and for visitors on the development website. Employees will also be encouraged to adopt flexible working practices to allow the working day to be organised around public transport timetables.
 - Encourage lift-sharing to reduce single occupancy of cars through promotion of the www.devon.liftshare.com website and through information sharing coordinated by the travel plan coordinators in relation to individuals with similar work patterns;
 - Provision of information to all employees on eco-driving to encourage smarter and more fuel-efficient driving.
- Additional mitigation in the form of electric vehicle charging points (the revised TA states the percentage would be similar to other schemes in the area).

The above measures are things that would be required if the proposed development was approved, regardless of the impact on air quality.

Officers negotiated a contribution for the previous Moor Exchange application to replace all the buses on the 4/4A/4B route to Euro VI standard, which are far less polluting than the older buses currently operating on the route, as a way of mitigating the air quality impact of that scheme on the AQMA. However, the level of impact of the current Moor Exchange application has reduced, due to a reduction in floor area, and Stagecoach has said it would be impractical to take a proportional lower contribution to upgrade only one or two buses on the route. Officers have therefore agreed to accept the facilitation of sustainable travel

connections on the site in accordance with Policy CP19 (green infrastructure framework in Monkerton/Hill Barton area), a Travel Plan, electric vehicle charging points and cycle parking that exceeds the minimum standards, as appropriate air quality mitigation for the scheme.

As the quantum of development in the WPD Depot proposal is less than Moor Exchange, it's considered similar measures secured by condition will be sufficient air quality mitigation for this application. However, this depends on the Local Highway Authority's response to the revised access plans and Transport Assessment submitted in July 2019. An objection would indicate the measures are not sufficient air quality mitigation for the proposal.

5. Contaminated Land

A Preliminary Risk Assessment of the site was carried out in February 2016 and a further Generic Quantitative Risk Assessment was carried out in August 2016. The former concluded that the potential for exposure of contaminants to the future users of the retail park was limited and the majority of risks could be mitigated through design. However, in some areas further investigation was required.

The latter reported the results of targeted investigations on the site to determine the degree of contamination of soil and groundwater. Ground gas conditions were also assessed. All recorded soil concentrations were below the relevant Generic Assessment Criteria (GAC) for a commercial setting. Elevated groundwater concentrations of total petroleum hydrocarbons were recorded at locations close to two areas where corroded drums had previously been observed. Total Petroleum Hydrocarbons (TPH) concentrations above the relevant assessment criteria were recorded in two locations, but they appeared to be localised. Ground Gas monitoring did not record elevated concentrations considered representative of a risk from the nearby landfilled material.

Further groundwater sampling, ground gas monitoring and investigations of some features on the site were recommended.

While the contamination risks on the site are moderate to low and it may be possible to deal with some of the risks through design at reserved matters stage, the Environment Agency and Environmental Health have recommended full contaminated land conditions. The EA has also recommended the standard unsuspected contamination condition. If the application is approved, these conditions should be added accordingly.

6. Impact on Amenity of Surroundings

As discussed above, the site is located within an Existing Employment Area protected by Policy CP2. Apart from highways, the site is surrounded by employment uses, and B&Q to the east. Therefore, the proposal is unlikely to have an adverse impact on the amenity of the surroundings. This notwithstanding, Environmental Health have recommended a number of conditions in the interests of the amenity of the area, which should be added if the application is approved.

7. Impact on Trees and Biodiversity

There are a number of trees on and around the site, including a tree plantation to the east/northeast protected by TPO 348. The illustrative plan indicates this would be retained.

The Tree Constraints Plan in the Arboricultural Impact Assessment shows that an Ash within the site would have to be removed, as well as Norway Maples at the site entrance and a line of Poplars and other minor trees along the south boundary to facilitate the access road from Moor Lane. All these trees have been assessed as fair quality. A row of Leland cypresses

that currently provide screening of the site along the Honiton Road/Moor Lane slip road have also been identified for removal. These have also been assessed as fair quality. However, the Arboricultural Impact Assessment states that “they have not been sufficiently managed in the past and their contribution to the amenity of the site is not great.” The illustrative plan also shows the retail unit in the west corner of the site encroaching into the root protection areas of two fair quality Ash trees on the boundary near the Moor Lane roundabout.

The Arboricultural Officer has raised no objections, but pointed out the trees and shrubs along the north boundary with Honiton Road provide an important screen between the site and the road. Therefore, it should be preserved, enhanced or replaced with a robust landscape scheme to ensure the long term retention of this feature. The illustrative plan indicates trees planted around the Honiton Road/Moor Lane boundary, but with gaps providing views of the site. It also indicates some trees planted in the car park.

‘Landscaping’ is a reserved matter, therefore the number and location of trees planted on the site will be negotiated at reserved matters stage. However, it will be important that this compensates for the relatively high number of trees that will be lost on the site and takes into account the Arboricultural Officer’s comments above. The layout of buildings should also avoid the root protection areas of trees to be retained.

If the application is approved, a tree protection condition should be added to protect the retained trees on and around the site during the construction phase.

A Preliminary Ecological Appraisal has been submitted dated February 2018, as well as a Bat Survey dated July 2016. The former states that the habitats on the site are mainly man-made and of low ecological interest, although the woodland, scrub, stream and some of the buildings have ecological value on a site level. The site has potential to support the following protected species: bats, nesting birds and reptiles.

The Bat Survey did not find any bats in the relevant buildings, but given the length of time that has passed it is not up-to-date. Natural England’s Standing Advice states that surveys should ideally be from the most recent survey season and planning permission can be refused if a species survey isn’t suitable. A preliminary roost assessment of the buildings was also carried out at the same time as the Phase 1 Habitat Survey on 19 February 2018. However, this was during the bat hibernation period and internal inspections could not be carried out, as the buildings were boarded. Therefore, it’s considered that further surveys are needed during the bats’ active period from May to September to confirm whether bats are using the buildings on the site.

Natural England’s Standing Advice states that a reptile survey should be carried out where a site has habitat suitable for reptiles. A reptile survey has not been carried out. This is because according to the Preliminary Ecological Appraisal the habitat for reptiles is limited. However, the Phase 1 Habitat Survey was carried out in February and Natural England advise that reptile surveys should be carried out in April, May and September. Therefore, it’s considered that further surveys should be carried out during this period to establish whether there are reptiles on the site.

If the above surveys confirm there are no bats or reptiles on or using the site and the application is approved, a Wildlife Plan condition should be added showing how the development has been designed to enhance biodiversity and how it will be managed in perpetuity to enhance biodiversity. A condition should also be added preventing the felling of trees during the bird nesting season.

With reference to The Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA)

and given the nature and scale of the development it has been concluded that the proposal does not require an AA.

8. Flood Risk and Surface Water Management

Policy EN4 does not permit development if it would be at risk of flooding. The site is within Flood Zone 1 and the proposed use is classified as 'less vulnerable' (see PPG). 'Less 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. The proposed surface water drainage strategy incorporates an attenuation system that will discharge to a watercourse at a controlled rate. The Lead Local Flood Authority is Devon County Council. They have no in-principle objection, subject to the imposition of pre-commencement conditions securing the detailed design of the system for the operational and construction phases.

9. Sustainable Construction and Energy Conservation

Policy CP13 requires new development with a floorspace of at least 1,000 sq m to connect to any existing, or proposed, Decentralised Energy Network in the locality to bring forward low and zero carbon energy supply and distribution. The proposed development will exceed this floorspace and the site is located close to one of the network areas. Therefore a condition is required to ensure the building is connected to the network or is constructed to be connected in the future, taking into account emerging Policy DD32 and its supporting text.

Policy CP15 requires all non-domestic development to achieve BREEAM 'Excellent' standards from 2013. A condition should be added securing a BREEAM design stage assessment report and post-completion report to ensure Policy CP15 is complied with.

CIL/S106

The proposed development is CIL liable, as it is for out of city centre retail (A1-5) development. The rate for permission granted in 2019 is £177.46 per sq m. This is charged on new floorspace. The application has been submitted in outline with all matters reserved except access, therefore the total liability will depend on the scale of development approved at reserved matters stage. However, based on the maximum retail floorspace applied for, the total liability will be up to £1,412,936.52. As the CIL liability will be more than £50,000, it can be paid in the following instalments provided an assumption of liability notice form and commencement form are submitted prior to commencement:

1. £50,000 within 60 days after the date on which development commences
2. £150,000 within 1 year after the date on which development commences
3. £200,000 within 18 months after the date on which development commences
4. Outstanding liability (up to £1,012,936.52) within 2 years after the date on which development commences

If these forms are not submitted prior to commencement of the development, the right to pay in instalments will be lost.

At this stage, a s106 legal agreement is not considered necessary.

RECOMMENDATION

REFUSE for the following reason(s):

1. The site is located within the established employment area of Sowton and is in existing employment use. Therefore, redevelopment of the site to provide retail uses would contravene Policy CP2 of the Core Strategy and saved Policy E3 of the Exeter Local Plan First Review. There are no material considerations to indicate the application should be approved contrary to these policies. Furthermore, the Viability Reports submitted with the application to demonstrate that redevelopment of the site to B1 (office), B2 (general industrial) and/or B8 (storage or distribution) uses are not considered robust, and no evidence has been provided to test the market for the current lawful use of the site.
2. Insufficient information has been provided to confirm that safe and suitable access can be achieved to the site for all users, taking into account the transport hierarchy in Policy T1 of the Exeter Local Plan First Review, or that the residual cumulative impacts of the scheme on the road network would not be severe. In the absence of this information and confirmation from the Local Highway Authority that these issues are acceptable it cannot be ensured that safe and suitable access to the site will be provided or that the development would not have severe cumulative impacts on the local road network, including securing the provision of any necessary infrastructure in accordance with Policy CP18 of the Core Strategy. The application therefore contravenes paragraph 108 of the NPPF.
3. The proposed development would have a moderate adverse impact on air quality within the Air Quality Management Area (AQMA). The proposed air quality mitigation in the submitted Air Quality Assessment include measures already in the submitted Transport Assessment and therefore would not be new mitigation. In the absence of the information referred to in Reason 2, it cannot be established whether satisfactory air quality mitigation would be provided. Therefore the application contravenes Policy CP11 of the Core Strategy, saved Policy EN3 of the Exeter Local Plan First Review and paragraph 181 of the NPPF.
4. The Preliminary Ecological Appraisal identified the site has potential to support bats and reptiles, which are protected species. Natural England's Standing Advice states that protected species surveys should be up-to-date and ideally from the most recent survey season. A bat survey was carried out of buildings on the site in June and July 2016, and a further preliminary roost assessment of the buildings in February 2018, outside the bats' active season, and internal inspections of the buildings could not be undertaken at this time. A reptile survey has not been submitted. Therefore, inadequate survey information has been provided to confirm the presence or otherwise of bats and reptiles, together with detailed mitigation and/or compensation schemes should these protected species be present on the site. Natural England's Standing Advice states planning permission can be refused where species surveys are not suitable, carried out at the wrong time of year or if not enough information has been provided to assess the effect on a protected species.

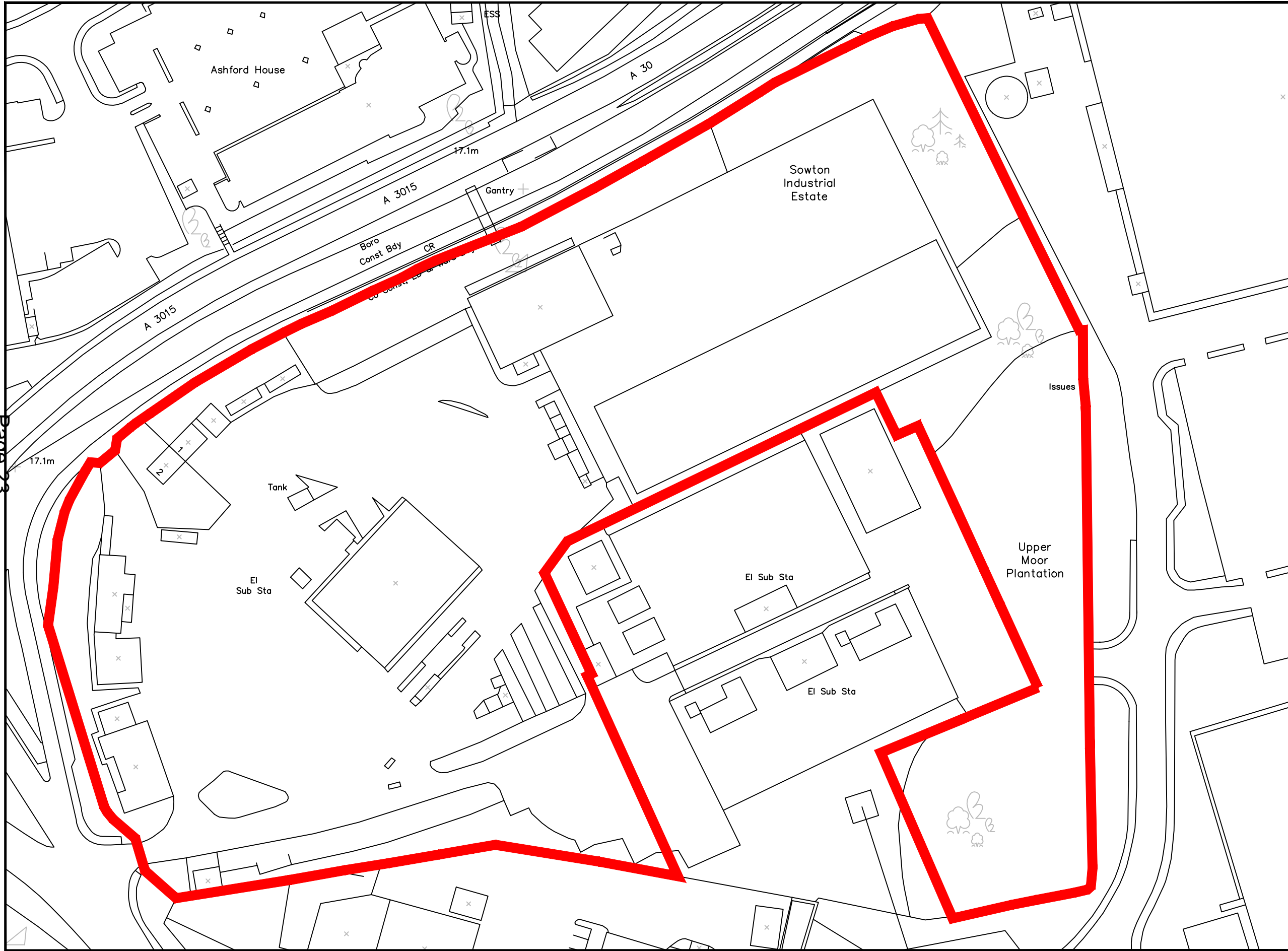
The following reasons to be added if Moor Exchange (18/1330/OUT) is approved:

5. The proposal in combination with the proposal submitted under application number 18/1330/OUT ('Moor Exchange') would have significant adverse cumulative impacts on the vitality and viability of, and existing investment in, Exeter City Centre and St Thomas District Centre, contrary to Policy CP8 of the Core Strategy, saved Policy S1 of the Exeter Local Plan First Review and paragraph 90 of the NPPF.
6. A cumulative transport impact assessment has not been carried out to confirm that the proposal in combination with the proposal submitted under application number

18/1330/OUT ('Moor Exchange') would not have a severe impact on the local highway network contrary to paragraphs 108 and 109 of the NPPF.

7. A cumulative air quality impact assessment has not been carried out to confirm that the proposal in combination with the proposal submitted under application number 18/1330/OUT ('Moor Exchange') with or without mitigation would not harm air quality within the Air Quality Management Area (AQMA) contrary to Policy CP11 of the Core Strategy, saved Policy EN3 of the Exeter Local Plan First Review and paragraph 181 of the NPPF.

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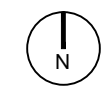
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Drawing Title: Redline Location Plan

Project: WPD Depot - Moor Lane Exeter



Site



Client: Richard Walker Developments Ltd

Date: March 2018 Author: SJS

Drawing Number: SJS_WPD_SLP_001

Scale: 1:1000 @A3 Rev: C

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Assessment of Retail Planning Policy

Planning Application for Class A Retail and
Associated Development at WPD Depot, Moor
Lane, Exeter

November 2018

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1. Introduction

- 1.1 This advice report has been prepared by GVA for Exeter City Council ('ECC') in relation to the retail and town centre planning policy aspects of an outline planning application by Richard Walker Developments Ltd ('the applicant') to redevelop part of the existing WPD depot site at Moor Lane in Exeter for retail floorspace and associated development.
- 1.2 A description of the proposed development can be found in Section 2 of this advice report.
- 1.3 This planning application, hereafter referred to as 'the WPD application', is one of a number of planning applications for retail development on the eastern side of the Exeter urban area. GVA has recently provided advice¹ on retail planning policy issues to ECC in relation to the Moor Exchange proposal on Honiton Road and a proposed retail and leisure development at Middlemoor.
- 1.4 In a similar manner to our written advice on the Moor Exchange application, this advice deals with the WPD application alone and separate advice on cumulative impact matters will be provided to ECC in order that consideration can be given to the impact on defined town centres in the event that ECC wishes to consider whether to grant planning permission for one than one of these retail development proposals.
- 1.5 Given the location, planning policy status and scale of the proposed retail floorspace, this advice report considers the relationship of the proposal against the sequential and impact planning policy tests. Similar issues were raised in relation to our advice on the Moor Exchange and Middlemoor proposals and therefore elements of that advice contained relevant background and contextual information for this application at WPD. Therefore, in the interests of brevity, we will refer to the content of that previous advice where necessary. Moreover, whilst the WPD application needs to be determined on its own merits, it is nevertheless useful to refer back to the Secretary of State's 2016 decision on the Moor Exchange proposal as it can provide useful information.
- 1.6 The main focus for our assessment of this proposal has been a review of the contents of a Retail Statement ('RS') prepared by the applicant and dated February 2018. Following an initial review of the content of the RS, a series of queries were raised with the author of the RS which has resulted in further information being submitted on the controls over the retail floorspace which the applicant is happy to accept should ECC be minded to support this outline application.
- 1.7 From the outset it should be noted that since the completion of our written advice on the Moor Exchange proposal, the updated version of the National Planning Policy Framework ('NPPF') was published by the Ministry of Housing, Communities and Local Government in July 2018. The new NPPF will now be a material consideration for ECC when determining these retail development proposals and we provide a review of the content of the NPPF, insofar as retail and town centre planning policy issues are concerned, in Section 2 of this advice report.
- 1.8 The remainder of this advice report is structured in the following manner:

¹ In a report to ECC dated May 2018

- Section 2 outlines the content of this planning application and summarises the retail planning policy context.
- In section 3 we consider the key retail and town centre planning policy issues, including the sequential and impact tests.
- Section 4 provides a summary of our assessment and our advice to ECC.

2. The Proposed Development and Salient Planning Policy Context

2.1 This application is submitted in outline, with all matters reserved except for access, with the following description of development:

“Outline planning application with all matters reserved (apart from means of access) for the demolition of existing structures, site remediation and redevelopment to provide Classes A1 (retail), A3 (Cafes and Restaurants), associated access, internal circulation, service yards, parking, landscaping, public realm works, infrastructure and dedication of land for improvements to Honiton Road”.

2.2 The submitted planning application form indicates that a total of 7,962sq m (gross) Class A retail floorspace will be provided within the development, split between 6,900sq m (gross) for Class A1 (shops) and 1,062sq m for Class A3 (cafes and restaurants). The Class A3 figure does not match the corresponding figure in Section 1 of the RS which indicates the A3 floorspace to be 1,117sq m. In addition, there is conflict between the application form and the submitted Design, Access and Landscape Statement, with the latter stating that there will be 7,247sq m (gross) A1 floorspace.

2.3 Section 1 of the RS indicates that the sales area within the Class A1 floorspace will be 3,890sq m for comparison goods and 2,300sq m for convenience goods, making a total of 6,190sq m. This represents between 85%-90% of the total proposed gross floorspace. This is a high ratio for retail floorspace, even for out of centre retail warehousing floorspace and should be clarified with the applicant, particularly in terms of the use of mezzanine floors.

2.4 Section 1 of the RS and the indicative site layout plans should five separate Class A1 units but do not indicate the number of separate Class A3 units. At no point is it suggested in the RS that there will definitely be five separate A1 units within the proposal.

2.5 Section 1 of the RS indicates the following net sales areas and split between convenience and comparison goods sales between the five indicative A1 retail units:

- Unit 1 – 791sq m comparison goods sales and 400sq m convenience goods sales
- Unit 2 – 1,200sq m comparison goods sales
- Units 3 and 4 – 791sq m comparison goods sales apiece
- Unit 5 – 317sq m of comparison goods sales and 1,900sq m of convenience goods sales.

2.6 The RS does not indicate any particular types of retailer which the proposed development could attract and accommodate.

2.7 Given the uncertainties provided by the RS in terms of the type and format of retail floorspace which could be provided within the proposed development, we have asked the author of the RS to provide, on behalf of the applicant, further clarity over the controls which the applicant would be happy to accept should ECC be minded to support this application. In an email from the author of the RS dated 3rd September 2018, the following controls over the proposed retail floorspace have been suggested:

- The total maximum net sales area within the development will be limited to 6,190sq m, including up to 3,890sq m net for comparison goods sales and 2,300sq m net for convenience goods sales.
 - Should a foodstore be provided within the development (selling mainly convenience goods), the unit will be between a minimum size of at least 1,000sq m net sales and a maximum of 2,300sq m net sales for convenience goods and up to 317sq m net for comparison goods sales.
 - In addition to a foodstore, if provided, there will be a maximum of 4 other Class A1 retail units.
 - Footwear and clothing will only be able to be sold from one of the proposed Class A1 units.
 - There is a proposed commitment from the applicant to provide a pharmacy within the development for at least 10 years.
 - Following the construction of the Class A retail units, there will be no subsequent change in unit sizes (i.e. sub-division or amalgamation)
 - There is a proposed commitment from the applicant to ensure that there will be no occupation by any retailer(s) with an Exeter city centre presence unless they commit to remain in the city centre for at least 5 years post occupation.
- 2.8 Subsequently, it has been confirmed that there will be up to four separate Class A3 café/restaurant units within the scheme.
- 2.9 The provision of these suggested controls is useful as it helps to guide our assessment of the proposed development's relationship with the sequential and impact tests.

Planning Policy Context

- 2.10 The development plan for the area comprises the Exeter Core Strategy ('the Core Strategy') and those remaining saved policies in the Exeter First Review Local Plan ('the Local Plan') which have not been superseded by the contents of the Core Strategy.
- 2.11 The proposals map indicates that the application site is not allocated for any particular analysis and that it lies outside of the network of defined 'town centres' across the city. As a consequence, Policy CP8 of the Core Strategy will apply, along with paragraphs 86, 87 and 89 of the updated NPPF published in July 2018.
- 2.12 Policy CP8 of the Core Strategy is quoted in full in Section 3 of our Moor Exchange advice and is not repeated here in the interests of brevity. However, its contents require that the WPD application is considered against the sequential and impact tests.
- 2.13 As set out in Section 1 of this advice report, the revised version of the NPPF was published after the completion of our advice report on the Moor Exchange proposals and therefore it is appropriate that this advice provides a review of the content of the new NPPF insofar as retailing and town centre planning policies are concerned. Section 7, including paragraphs 85-90, of the new NPPF provides national policy on town centres and proposals for main town centre uses (including retailing). There is very little change between Section 2 of the 2012 NPPF and Section 7 of the new document. Paragraphs 86 and 87 deal with the sequential test in decision-making. They continue to require a sequential test to be carried for main town centre use proposals which are neither in an existing centre nor in accordance with an up-to-date plan. In

addition, the sequence of preference locations remains in-centre, then edge-of-centre and only then out-of-centre locations. Similarly, paragraph 87 continues the approach of old paragraph 24 in giving preference to accessible sites which are well connected to the town centre when considering edge or out of centre proposals. Paragraph 87 also requires that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

2.14 The one change in relation to the sequential test is the insertion of the words *“or expected to become available within a reasonable period”* after the reference to availability. Whether this is considered to be a change in policy or a clarification, it is nevertheless helpful in terms of understanding how the availability of alternative sites and premises should be assessed.

2.15 Paragraph 89 continues to require an impact assessment for retail and leisure development outside of town centres and not in accordance with an up to date plan. The national default threshold of 2,500sq m gross remains (unless there is a different locally set threshold) and the two limbs of the impact assessment remain ‘impact on existing, committed and planned public and private town centre investment’ and ‘impact on town centre vitality and viability’.

2.16 Finally, the clear guidance on the determination of planning applications involving the consideration of the sequential and impact tests remains:

“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused”.

2.17 Therefore, there is no significant or material change in national policies towards retail development proposals outside of town centres.

3. The Key Retail Planning Issues

- 3.1 As outlined in the previous section of this advice, the location and scale of the proposed retail development indicates that consideration should be given to the relationship of the proposal with the sequential and impact tests. We outline our review of each test in turn below.

The Sequential Test

- 3.2 The distance between the application site in the nearest defined 'town centres' in ECC's formal centre hierarchy in its development plan means that the site should be classified as an out-of-centre location. Therefore, consideration should be given to whether there are any sequentially preferable in-centre, edge-of-centre, or more accessible and better connected² out-of-centre sites or premises which can provide suitable and available alternatives for the proposed development (taking into account the need to demonstrate flexibility).
- 3.3 It has been established by ECC over recent years that the only sequentially preferable redevelopment site which has the potential to accommodate large scale retail and leisure development is the Bus and Coach Station ('BCS') site in Exeter city centre. This was the focus for the Inspector's and Secretary of State's examination of the sequential test for the original Moor Exchange public inquiry in late 2015 (and the Secretary of State's decision in 2016) and has remained our focus for the more recent assessment of the new Moor Exchange proposal and also the Middlemoor proposal.
- 3.4 It is well known that the original Moor Exchange proposal was dismissed by the Secretary of State on the basis that the BCS site was a suitable and available alternative. Our May 2018 advice on the more recent Moor Exchange proposal revisits the previous analysis and examines whether matters have materially changed. Our advice concludes that:

"We consider that the focus for the sequential test remains on the BCS site and our re-assessment of its suitability and availability finds a number of factors have not materially changed since the 2015 public inquiry and the June 2016 Secretary of State decision.

These include the development plan strategy towards the site and the physical condition of the site. However, there have been some material changes including the abandonment of the redevelopment scheme promoted by the Crown Estate which is related to changes in market conditions. In addition, as a consequence of the abandonment of the redevelopment scheme (based upon the outline planning permission) ECC will now assess its options with regards to the BCS site going forward and there is a possibility for a change in approach for the land use mix. As a consequence, we consider that it reasonable to remain of the view that the majority of the BCS site considered as part of the previous proposal remains available but there is now much less certainty over it being a suitable alternative for the Moor Exchange proposals.

Also relevant to the issue of suitability is the content of the current scheme. In overall terms, the current scheme is smaller than the scheme refused in 2016, with a similar amount of Class A1 retail floorspace. That change does not suggest that the current scheme cannot be physically accommodated on the BCS site. However, the applicant has contemplated that the current scheme could include a reasonably large foodstore, which is shown on the indicative illustrative masterplan. However, the provision of this floorspace is not guaranteed by the proposed floorspace control offered by the applicant. This suggests no real difference from the previous scheme. However, should a large format foodstore become a formal and guaranteed part of the current scheme, we consider that it could not be accommodated on the BCS site thus potentially removing any potential concern that the BCS site was still a suitable alternative".

² In relation to defined 'town centres'

3.5 Whilst it is important to note that the Moor Exchange and WPD proposals are not identical, there are a number of conclusions from our recent Moor Exchange advice which are equally relevant to the WPD analysis. These are:

- These are a number of matters which have remained the same since the 2016 Secretary of State, which include: the development plan strategy for the BCS site, the physical condition of the site and its general availability.
- There has also been the abandonment of the Crown Estate proposals and the decision by ECC to assess its options for the site going forwards and a possible change in approach in the land use mix.
- Overall, the BCS remains an available alternative but there is now much less certainty over it being a suitable alternative for a large scale retail development proposal.

3.6 In terms of the differences between the schemes, it should be noted that the WPD proposal is materially smaller than both Moor Exchange proposals and therefore, in line with the comments made in paragraph 4.33 of our Moor Exchange advice, this would suggest that the WPD proposal can be physically accommodated on the BCS site. However, also in line with the Moor Exchange advice, the potential suitability of the BCS site is influenced by the content of the Moor Exchange and WPD proposals. As noted in paragraph 4.33 of our advice on the latest Moor Exchange proposal, if a large format foodstore became a formal and guaranteed part of the scheme, we consider that it could not be accommodated on the BCS site thus potentially removing any potential concern that the BCS site was a suitable alternative.

3.7 As a consequence of the above, the potential suitability and availability of the BCS site as an alternative to the WPD site will ultimately depend upon: (A) ECC's next steps in terms of bringing the site back for redevelopment following the abandonment of the Crown Estate proposal, and (B) whether a large foodstore forms a definite part of the WPD proposal.

Impact

3.8 Given the location of the application site and the scale of the proposed retail floorspace, there is also a need to consider whether the proposal is likely to have a significant adverse impact upon the health of, or investment within, defined 'town centres' in the local area.

3.9 In relation to the 'impact on investment' test, there is no evidence / analysis to suggest that the WPD proposal is likely to have a significant adverse impact upon investment on the BCS site. Indeed, even when there was a 'live' redevelopment scheme at the BCS site, the Secretary of State concluded that the prospect of a significant adverse impact from the 2015 Moor Exchange proposal was not likely. Given that the Crown Estate scheme, which was the focus for the previous assessment, has now been abandoned, we consider that it would be unreasonable to suggest that the risk of a likely significant adverse impact remains.

3.10 In relation to the 'impact of town centre health' test we have examined the applicant's financial impact analysis, undertaken our own analysis, and also considered the wider effect of the WPD proposal.

3.11 The applicant's analysis predicts the following levels of trade diversion in relation to convenience and comparison goods expenditure:

- Comparison goods diversion:
 - Exeter city centre - £11m
 - Heavitree - £0.2m
 - Pinhoe - £0.2m
 - Rydon Lane - £5.7m
 - Alphington - £0.7m
 - Marsh Barton - £2.7m
 - Sowton - £4.0m
 - Outside of Exeter - £2.7m
- Convenience goods diversion:
 - City centre - £0.7m
 - Heavitree - £0.2m
 - ALDI, Alphington - £0.1m
 - ALDI, Pinhoe - £1.5m
 - ALDI, Topsham - £0.3m
 - Lidl Burnthouse Lane - £0.8m
 - Lidl, Powlesland - £0.8m
 - Morrisons - £1.0m
 - Sainsburys, Alphington - £0.3m
 - Sainsburys, Pinhoe - £4.8m
 - Tesco Extra, Russell Way - £5.8m
 - Waitrose, Heavitree - £0.7m
 - Other out of centre stores - £0.4m
 - Outside of Exeter - £2.0m

3.12 These trade diversion figures are based upon a £7,000/sq m sales density for the proposed comparison goods floorspace and a density of £12,000/sq m for the convenience goods floorspace. In relation to the comparison goods sales density, we consider this to be quite high for this type of floorspace and is higher than we, and the other applicants, are using to test the other current retail development proposals on the eastern side of Exeter. Therefore, in our own impact assessment, we have, in the interests of consistency, used an average sales density of £4,500/sq m for the comparison goods turnover. For the convenience goods floorspace, a density of £12,000/sq m is generally reflective of an average of the main grocery

retailers (including ALDI and Lidl) and is slightly higher than ALDI and Lidl. We have therefore retained the £12,000/sq m density in our own impact assessment.

- 3.13 The applicant's comparison goods assessment is forecasting that 40% of the proposal's turnover will be diverted from Exeter city centre. Whilst this comprises the largest single element of diversion, it is not reflective of the importance and popularity of the city centre for comparison goods shopping. In contrast, £13.2m is predicted to be diverted from out of centre retail parks which appears to be disproportionately higher when the market share, range of goods and amount of floorspace in out of centre locations is taken into account.
- 3.14 In contrast to our reservations over the applicant's comparison goods pattern of trade diversion, the forecast pattern of diversion for convenience goods in Table 2 of the RS appears to better reflect the likely main sources of competition for the proposed convenience goods floorspace. In particular, the ALDI and Sainsbury stores at Pinhoe and the Tesco Extra store at Russell Way will be the main sources of diversion.
- 3.15 Our own financial impact analysis is contained at Appendix I to this advice report and Table 2a outlines the following convenience goods expenditure/turnover impacts:
- A 3% impact on the convenience goods sector in the city centre;
 - A 4% impact upon foodstores in Heavitree district centre; and
 - A 5% impact upon foodstores at St Thomas district centre (influenced primarily by the impact on the M&S Foodhall).
- 3.16 The comparison goods diversion forecasts are shown in Table 3a and suggest a 1.6% impact upon the city centre's comparison goods turnover (based upon a diversion of £13.83m) and a 6% impact upon St Thomas district centre (influenced primarily by the impact upon stores in the Exe Bridges part of the district centre).
- 3.17 In relation to the city centre, we consider that the likely impacts associated with the WPD proposal are similar, and slightly lower, to the ones forecast in relation to the 2015/2016 Moor Exchange proposals and it was not ECC's case at the December 2015 public inquiry that this level of direct financial impact would lead to a significant adverse impact upon the health of the city centre. As a consequence, we do not consider there is evidence to suggest that a different conclusion should be reached in relation to the WPD outline planning application. Indeed, as advised by the NPPG, the positive and negative effects should be considered alongside other material considerations in the overall planning balance. In relation to the impact of the proposal on the health of the city centre, we consider that the following should be taken into account:
- The direct financial impact of the proposal on the city centre's convenience and comparison goods sectors does not suggest a likely significant adverse impact but should be considered as a minor adverse impact.
 - The proposal will provide a rival shopping destination for the city centre, as also observed in relation to the Moor Exchange proposals, as it could provide an opportunity for an additional store for existing city centre retailers. Clearly, the proposal is not of a similar scale to the city centre but could lead to a

reduced need to visit the city centre for some convenience and comparison goods shopping trips. This should also be considered as a minor adverse impact associated with the proposal.

- Finally, we cannot rule out the potential for retailer relocations from the city centre to the WPD site. The number of relocations which could take place is, of course, limited by the scale of the proposal, and the strength of the city centre as a trading destination may also dampen the possibility of closures. However, it is nevertheless a potential characteristic of the proposal which should be taken into account. To try and counter this potential, the applicant has offered an obligation which would force an existing city centre retailer, who wished to open a store in the WPD development, to keep open their existing city centre store for at least five years. Whilst the scope of this obligation offered by the applicant is high level at this stage, and would require further discussion, we consider it important to note that it would provide only short term mitigation and, in the longer term, there would be the potential for retailer relocations from the city centre to the proposed development.

3.18 Like the Moor Exchange and other current retail proposals, there is also a need to consider the impact on the health of St Thomas district centre. On this issue, we consider that there are no apparent material differences between the circumstances surrounding the district centre between the time of the Moor Exchange appeal in 2015/2016 and the present time. As a consequence, and in the interests of consistency in decision making, there is no reason for ECC to change its approach in relation to St Thomas district centre. However, we do consider that the current proposal will, like the previous application, have an adverse impact upon the health of the district centre in the following ways:

- Direct loss of trade. We predict that the centre will lose around 6% of its comparison goods annual turnover and 5% of its convenience goods turnover. A clear contribution to this forecast is the overlap between the style of retail units (and goods sold) between the WPD proposal and Exe Bridges element of the district centre. There is the possibility that the household survey being used for our impact assessment may have under-estimated parts of the district centre's turnover, and thus the actual proportionate impacts may be lower, although we still consider that the centre will experience a material loss of turnover.
- Potential loss of existing occupiers. Whilst the main part of the centre is unlikely to experience retailer relocations, Exe Bridges is more susceptible. Boots, Next, TK Maxx and Marks & Spencer all have the potential to relocate and have been associated with the nearby Moor Exchange scheme. There is no reason to suggest that these retailers would not be interested in the nearby WPD retail development as well. As noted in relation to the most recent Moor Exchange proposal, there are varying degrees of possibility that Moor Exchange could result in store closures in the short term, following the expiry leases and at lease breaks.
- Overall impact on the health of the district centre. The overall focus for the impact upon St Thomas district centre is on Exe Bridges which forms part of the defined centre. We consider that Exe Bridge will be the focus for the trade loss from the centre and also in relation to the possibility of store closures. Information on how this may affect the rest of the centre is not available as we do not know the propensity for linked trips between the two parts (which is similar to the situation experienced in 2015/2016) and therefore we do not have information to demonstrate that the scale of impact on Exe Bridge retail park is likely to have a significant adverse impact upon the district centre as a whole.

4. Summary and Conclusions

4.1 This advice report has been prepared by GVA for Exeter City Council in relation to the retail and town centre planning policy aspects of an outline planning application by Richard Walker Developments Ltd to redevelop part of the existing WPD depot site at Moor Lane in Exeter for retail floorspace and associated development.

4.2 Given that this application has been submitted in outline, there is the potential for a number of contrasting scenarios in terms of how the proposed retail floorspace may be provided across the site and therefore asked the applicant to provide a series of controls in order that a robust assessment can be made against the salient retail planning policy tests. As a consequence, the proposal consists of the following:

- The total maximum net sales area within the development will be limited to 6,190sq m, including up to 3,890sq m net for comparison goods sales and 2,300sq m net for convenience goods sales.
- Should a foodstore be provided within the development (selling mainly convenience goods), the unit will be between a minimum size of at least 1,000sq m net sales and a maximum of 2,300sq m net sales for convenience goods and up to 317sq m net for comparison goods sales.
- In addition to a foodstore, if provided, there will be a maximum of 4 other Class A1 retail units.
- Up to four Class A3 units
- Footwear and clothing will only be able to be sold from one of the proposed Class A1 units.
- There is a proposed commitment from the applicant to provide a pharmacy within the development for at least 10 years.
- Following the construction of the Class A retail units, there will be no subsequent change in unit sizes (i.e. sub-division or amalgamation)
- There is a proposed commitment from the applicant to ensure that there will be no occupation by any retailer(s) with an Exeter city centre presence unless they commit to remain in the city centre for at least 5 years post occupation.

4.3 It should be noted that this application is one of a number of other current applications for retail development on the eastern side of the Exeter urban area. For the avoidance of doubt, this advice report deals with the WPD application only and separate advice will be provided by GVA to ECC in relation to the other proposals and cumulative impact issues. That said, this advice report does make reference to our recent advice on the Moor Exchange and Middlemoor proposals given that all these retail proposals share a number of common issues.

The sequential test

4.4 The distance between the application site in the nearest defined 'town centres' in ECC's formal centre hierarchy in its development plan means that the site should be classified as an out-of-centre location. Therefore, consideration should be given to whether there are any sequentially preferable in-centre, edge-

of-centre, or more accessible and better connected³ out-of-centre sites or premises which can provide suitable and available alternatives for the proposed development (taking into account the need to demonstrate flexibility).

- 4.5 It has been established by ECC over recent years that the only sequentially preferable redevelopment site which has the potential to accommodate large scale retail and leisure development is the Bus and Coach Station ('BCS') site in Exeter city centre. This was the focus for the Inspector's and Secretary of State's examination of the sequential test for the original Moor Exchange public inquiry in late 2015 (and the Secretary of State's decision in 2016) and has remained our focus for the more recent assessment of the new Moor Exchange proposal and also the Middlemoor proposal. We have re-assessed the BCS site in terms of its suitability and availability to accommodate the WPD proposal, as we have also done for the Moor Exchange and Middlemoor proposals, and our assessment finds a number of factors have not materially changed since the 2015 public inquiry and the June 2016 Secretary of State decision.
- 4.6 These include the development plan strategy towards the site and the physical condition of the site. However, there have been some material changes including the abandonment of the redevelopment scheme promoted by the Crown Estate which is related to changes in market conditions. In addition, as a consequence of the abandonment of the redevelopment scheme (based upon the outline planning permission) ECC will now assess its options with regards to the BCS site going forward and there is a possibility for a change in approach for the land use mix. As a consequence, we consider that it reasonable to remain of the view that the majority of the BCS site considered as part of the previous proposal remains available but there is now much less certainty over it being a suitable alternative for large scale retail development proposals such as the current proposal at the WPD site.
- 4.7 Also relevant to the issue of suitability is the content of the WPD scheme. The applicant has proposed that a foodstore, between 1,000sq m and 2,300sq m net convenience goods sales area, could be accommodated. However, the provision of this floorspace is not guaranteed by the proposed floorspace controls offered by the applicant. This suggests no real difference from the content of the 2015/2016 Moor Exchange proposals which were considered to fail the sequential test. However, should a large format foodstore become a formal and guaranteed part of the WPD scheme, we consider that it could not be accommodated on the BCS site thus potentially removing any potential concern that the BCS site was still a suitable alternative.

Impact

- 4.8 Given the location of the application site and the scale of the proposed retail floorspace, there is also a need to consider whether the proposal is likely to have a significant adverse impact upon the health of, or investment within, defined 'town centres' in the local area.
- 4.9 In relation to the 'impact on investment' test, there is no evidence / analysis to suggest that the WPD proposal is likely to have a significant adverse impact upon investment on the BCS site. Indeed, even when there was a 'live' redevelopment scheme at the BCS site, the Secretary of State concluded that the prospect of a significant adverse impact from the 2015 Moor Exchange proposal was not likely. Given that

³ In relation to defined 'town centres'

the Crown Estate scheme, which was the focus for the previous assessment, has now been abandoned, we consider that it would be unreasonable to suggest that the risk of a likely significant adverse impact remains.

4.10 In relation to the 'impact of town centre health' test we have examined the applicant's financial impact analysis, undertaken our own analysis, and also considered the wider effect of the WPD proposal. Our own financial impact analysis is contained at Appendix I to this advice report and Table 2a outlines the following convenience goods expenditure/turnover impacts:

- A 3% impact on the convenience goods sector in the city centre;
- A 4% impact upon foodstores in Heavitree district centre; and
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4.11 The comparison goods diversion forecasts are shown in Table 3a and suggest a 1.6% impact upon the city centre's comparison goods turnover (based upon a diversion of £13.83m) and a 6% impact upon St Thomas district centre (influenced primarily by the impact upon stores in the Exe Bridges part of the district centre).

4.12 In relation to the city centre, we consider that the likely impacts associated with the current proposal are similar, and slightly lower, to the ones forecast in relation to the 2015/2016 Moor Exchange proposals and it was not ECC's case at the December 2015 public inquiry that this level of direct financial impact would lead to a significant adverse impact upon the health of the city centre. As a consequence, we do not consider there is evidence to suggest that a different conclusion should be reached in relation to the WPD outline planning application. Indeed, as advised by the NPPG, the positive and negative effects should be considered alongside other material considerations in the overall planning balance. In relation to the impact of the proposal on the health of the city centre, we consider that the following should be taken into account:

4.13 The direct financial impact of the proposal on the city centre's convenience and comparison goods sectors does not suggest a likely significant adverse impact but should be considered as a minor adverse impact.

4.14 The proposal will provide a rival shopping destination for the city centre, as also observed in relation to the Moor Exchange proposals, as it could provide an opportunity for an additional store for existing city centre retailers. Clearly, the proposal is not of a similar scale to the city centre but could lead to a reduced need to visit the city centre for some convenience and comparison goods shopping trips. This should also be considered as a minor adverse impact associated with the proposal.

4.15 Finally, we cannot rule out the potential for retailer relocations from the city centre to the WPD site. The number of relocations which could take place is, of course, limited by the scale of the proposal, and the strength of the city centre as a trading destination may also dampen the possibility of closures. However, it is nevertheless a potential characteristic of the proposal which should be taken into account. To try and counter this potential, the applicant has offered an obligation which would force an existing city centre retailer, who wished to open a store in the WPD development, to keep open their existing city centre store for at least five years. Whilst the scope of this obligation offered by the applicant is high level at this stage, and would require further discussion, we consider it important to note that it would provide only short term

mitigation and, in the longer term, there would be the potential for retailer relocations from the city centre to the proposed development.

4.16 Like the Moor Exchange and other current retail proposals, there is also a need to consider the impact on the health of St Thomas district centre. On this issue, we consider that there are no apparent material differences between the circumstances surrounding the district centre between the time of the Moor Exchange appeal in 2015/2016 and the present time. As a consequence, and in the interests of consistency in decision making, there is no reason for ECC to change its approach in relation to St Thomas district centre. However, we do consider that the current proposal will, like the previous application, have an adverse impact upon the health of the district centre in the following ways:

- Direct loss of trade. We predict that the centre will lose around 6% of its comparison goods annual turnover and 5% of its convenience goods turnover. A clear contribution to this forecast is the overlap between the style of retail units (and goods sold) between WPD and Exe Bridges element of the district centre. There is the possibility that the household survey being used for our impact assessment may have under-estimated parts of the district centre's turnover, and thus the actual proportionate impacts may be lower, although we still consider that the centre will experience a material loss of turnover.
- Potential loss of existing occupiers. Whilst the main part of the centre is unlikely to experience retailer relocations, Exe Bridges is more susceptible. Boots, Next, TK Maxx and Marks & Spencer all have the potential to relocate and have been associated with the nearby Moor Exchange scheme. There is no reason to suggest that these retailers would not be interested in the nearby WPD retail development as well. As noted in relation to the most recent Moor Exchange proposal, there are varying degrees of possibility that Moor Exchange could result in store closures in the short term, following the expiry leases and at lease breaks.
- Overall impact on the health of the district centre. The overall focus for the impact upon St Thomas district centre is on Exe Bridges which forms part of the defined centre. We consider that Exe Bridge will be the focus for the trade loss from the centre and also in relation to the possibility of store closures. Information on how this may affect the rest of the centre is not available as we do not know the propensity for linked trips between the two parts (which is similar to the situation experienced in 2015/2016) and therefore we do not have information to demonstrate that the scale of impact on Exe Bridge retail park is likely to have a significant adverse impact upon the district centre as a whole.

Appendix I

Impact Assessment

TABLE 1a: INDICATE TURNOVER OF WPD PROPOSAL

	NET SALES AREA (sq m)	COMPARISON FLOORSPACE	CONVENIENCE FLOORSPACE	COMPARISON SALES DENSITY (£/sq m)	CONVENIENCE SALES DENSITY (£/sq m)	COMPARISON GOODS TURNOVER (£m)	CONVENIENCE GOODS TURNOVER (£m)
	6190	3890	2300	£4,500	£12,000	£17.5	£27.6
Total						£17.5	£27.6

TABLE 2a: CONVENIENCE GOODS IMPACT OF WPD, 2021

STORE / CENTRE	PRE-IMPACT 2021 TURNOVER (£m)	DIVERSION TO COMMITMENTS (£m)	RESIDUAL TURNOVER (£m)	IMPACT OF COMMITMENTS (%)	DIVERSION TO WPD (£m)	RESIDUAL TURNOVER (£m)	SOLUS IMPACT (%)	CUMULATIVE IMPACT (%)
Exeter City Centre								
Marks & Spencer, High Street, Exeter	£7.3	£0.1	£7.3	-0.7%	£0.83	£6.4	-11.4%	-12.0%
Sainsbury's, Guildhall Shopping Centre	£20.5	£0.1	£20.4	-0.5%	£0.55	£19.9	-2.7%	-3.2%
Other - Exeter City Centre	£33.8	£0.4	£33.4	-1.2%	£0.55	£32.8	-1.7%	-2.8%
Sub-total	£61.6	£0.6	£61.1	-0.9%	£1.93	£59.1	-3.2%	-4.0%
Heavitree district centre	£2.6	£0.1	£2.5	-1.9%	£0.11	£2.4	-4.3%	-6.2%
St Thomas district centre								
Co-op, Cowick Street, Exeter	£5.6	£0.1	£5.5	-0.9%	£0.00	£5.5	0.0%	-0.9%
M&S Simply Food, Albany Road, Exeter	£3.1	£0.0	£3.1	0.0%	£0.83	£2.2	-26.9%	-26.9%
Tesco Express, Cowick Street, Exeter	£6.5	£0.1	£6.4	-0.8%	£0.00	£6.4	0.0%	-0.8%
St Thomas District Centre	£1.2	£0.0	£1.2	0.0%	£0.00	£1.2	0.0%	0.0%
Sub-total	£16.4	£0.1	£16.3	-0.6%	£0.00	£15.4	-5.1%	-5.7%
Topsham district centre								
Co-op, Fore Street, Topsham	£2.7	£0.4	£2.3	-14.9%	£0.00	£2.3	0.0%	-14.9%
Topsham District Centre	£2.0	£0.3	£1.8	-12.5%	£0.00	£1.8	0.0%	-12.5%
Sub-total	£4.7	£0.7	£4.0	-13.8%	£0.00	£4.0	0.0%	-13.8%
Sidwell Street / Blackboy Road	£0.7	£0.0	£0.7	0.0%	£0.00	£0.7	0.0%	0.0%
Mount Pleasant	£0.0	£0.0	£0.0	0.0%	£0.00	£0.0	0.0%	0.0%
Magdalen Road	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Countess Wear (Topsham Road)	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Countess Wear (Glass House Lane)	£0.6	£0.0	£0.6	0.0%	£0.00	£0.6	0.0%	0.0%
Beacon Lane	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Polstoe Bridge	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Pinhoe	£1.4	£0.0	£1.4	0.0%	£0.00	£1.4	0.0%	0.0%
Whipton	£1.9	£0.0	£1.9	0.0%	£0.00	£1.9	0.0%	0.0%
Exwick Road / Winchester Avenue	£0.2	£0.0	£0.2	0.0%	£0.00	£0.2	0.0%	0.0%
Isleworth Road	£0.0	£0.0	£0.0	0.0%	£0.00	£0.0	0.0%	0.0%
Exeter out-of-centre stores								
Aldi, Alphington Road, Exeter	£30.0	£1.2	£28.8	-4.0%	£1.10	£27.7	-3.8%	-7.7%
Aldi, Exhibition Way, Pinhoe	£20.9	£0.6	£20.3	-2.9%	£2.48	£17.8	-12.2%	-14.8%
Aldi, Topsham	£6.8	£0.0	£6.8	0.0%	£0.41	£6.4	-6.1%	-6.1%
Lidl, Burnthouse Lane, Exeter	£11.6	£1.3	£10.8	-6.9%	£1.66	£9.2	-15.3%	-21.1%
Lidl, Powlesland Road, Exeter	£8.5	£0.8	£7.7	-9.1%	£0.28	£7.4	-3.6%	-12.3%
Morrisons, Prince Charles Road, Exeter	£31.8	£0.7	£31.1	-2.1%	£2.48	£28.6	-8.0%	-10.0%
Sainsbury's, Alphington Road, Exeter	£40.5	£0.9	£39.6	-2.2%	£1.52	£38.1	-3.8%	-5.9%
Sainsbury's, Pinhoe	£47.3	£0.4	£46.9	-0.8%	£6.27	£40.7	-13.4%	-14.1%
Tesco Extra, Russell Way	£40.9	£2.6	£38.2	-6.4%	£5.11	£33.1	-13.3%	-18.9%
Waitrose, Gladstone Road, Exeter	£23.1	£0.4	£22.7	-1.7%	£3.04	£19.7	-13.4%	-14.9%
Iceland, Alphington Road, Exeter	£2.3	£0.0	£2.3	0.0%	£0.00	£2.3	0.0%	0.0%
Other	£3.6	£0.1	£3.5	-1.4%	£0.11	£3.4	-3.1%	-4.5%
Other	£1,054.0	£0.0	£1,054.0		£0.28			

Notes:

Pre-impact 2021 turnover taken from EWEEED study.

TABLE 3a: COMPARISON GOODS IMPACT OF WPD, 2021

STORE / CENTRE	PRE-IMPACT 2021 TURNOVER (£m)	DIVERSION TO COMMITMENTS (£m)	RESIDUAL TURNOVER (£m)	IMPACT OF COMMITMENTS (%)	DIVERSION TO WPD (£m)	RESIDUAL TURNOVER (£m)	SOLUS IMPACT (%)	CUMULATIVE IMPACT (%)
Exeter City Centre	£865.2	£9.7	£855.5	-1.1%	£13.83	£841.66	-1.6%	-2.7%
Heavitree district centre	£5.3	£0.0	£5.3	0.0%	£0.00	£5.28	0.0%	0.0%
St Thomas district centre	£8.7	£0.0	£8.7	0.0%	£0.53	£8.16	-6.0%	-6.0%
Topsham district centre	£6.8	£0.0	£6.8	0.0%	£0.00	£6.79	0.0%	0.0%
Sidwell Street / Blackboy Road	£2.4	£0.0	£2.4	0.0%	£0.00	£2.40	0.0%	0.0%
Mount Pleasant	£3.4	£0.0	£3.4	0.0%	£0.00	£3.40	0.0%	0.0%
Magdalen Road	£0.3	£0.0	£0.3	0.0%	£0.00	£0.31	0.0%	0.0%
Countess Wear (Topsham Road)	£0.8	£0.0	£0.8	0.0%	£0.00	£0.76	0.0%	0.0%
Beacon Lane	£0.2	£0.0	£0.2	0.0%	£0.00	£0.17	0.0%	0.0%
Polsloe Bridge	£0.1	£0.0	£0.1	0.0%	£0.00	£0.07	0.0%	0.0%
Pinhoe	£12.0	£0.0	£12.0	0.0%	£0.00	£12.03	0.0%	0.0%
Whipton	£3.4	£0.0	£3.4	0.0%	£0.00	£3.41	0.0%	0.0%
Exwick Road / Winchester Avenue	£0.3	£0.0	£0.3	0.0%	£0.00	£0.31	0.0%	0.0%
Isleworth Road	£0.0	£0.0	£0.0	0.0%	£0.00	£0.00	0.0%	0.0%
Rydon Lane	£27.3	£1.0	£26.3	-3.5%	£0.70	£25.63	-2.7%	-6.1%
Alphington	£12.7	£0.7	£12.0	-5.4%	£0.70	£11.31	-5.8%	-10.9%
Marsh Barton	£49.4	£4.0	£45.4	-8.2%	£0.00	£45.35	0.0%	-8.2%
Sowton	£72.6	£4.4	£68.1	-6.1%	£0.88	£67.25	-1.3%	-7.3%
Other	£7.1	£0.0	£7.1	0.0%	£0.00	£7.06	0.0%	0.0%
Ikea	£48.0	£0.1	£48.0	0.0%	£0.35	£47.65	-0.7%	-0.7%
Other	£1,109.9	£29.9	£1,080.0	-2.7%	£0.53	£1,079.48	0.0%	-2.7%

Notes:
Pre-impact 2021 turnover taken from EWEEED study.

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Agenda Item 5

COMMITTEE DATE: 22/07/2019

APPLICATION NO: 18/0983/OUT
APPLICANT: British Land Retail Warehouses Limited
PROPOSAL: Outline planning permission for a retail park (Class A1) along with complementary cafe/restaurants (Class A3) including means of access (all other matters reserved).
LOCATION: B&Q, Avocet Road, Sowton Industrial Estate, Exeter, Devon, EX2 7JF
REGISTRATION DATE: 28/06/2018
EXPIRY DATE:

HISTORY OF SITE

The site was previously within East Devon District Council's administrative area. Planning permission was granted for a storage and distribution depot and Class I non-food retail store on the site by the Secretary of State following call-in on 10 September 1985 (ref. 7/12/83/0993/107). At the same time, outline planning permission was granted by the Secretary of State for the erection of a class I retail store for the sale of non-food goods with storage, staff rooms and offices, unloading, loading and parking and associated facilities and access roads (ref. 7/12/84/P0024/107). Both these permissions were subject to conditions to prevent the sale of food or drink on the premises, except for consumption on the premises by customers and staff as ancillary to the primary use for non-food retail. The former permission is treated as the one implemented. The additional relevant planning history is shown below:

90/0883/FUL -	Extension to existing car park.	PER	22.05.1991
99/0440/VOC -	Variation of condition 10 of planning permission 7/12/83/0993/107 to allow retail sales between 0700 hours and 2200 hours on any day (condition 2 restricts Sunday trading to between 10am and 6pm only).	PER	28.06.1999
99/0449/FUL -	Alterations to provide external garden centre with canopy trade entrance with canopy, extension and fencing to service yard, sprinkler tank, alterations to entrance lobby, external doors and glazing and rear forklift access road (condition 6 restricts the use of the site to that approved and for no other use within the same Use Class).	PER	19.08.1999
99/0845/FUL -	Single storey extension on front elevation to provide coffee shop (Class A3), and additional 41 car parking spaces (condition 6 restricts coffee shop to ancillary use only).	PER	10.02.2000
15/1065/OUT -	Outline planning permission for a retail park (Class A1) along with complementary cafe/restaurants (Class A3) including means of access (all other matters reserved)	Withdrawn	13.05.2016
16/0226/LPD -	Proposed subdivision and use of the main B&Q	PER	15.04.2016

Warehouse building for unrestricted Class A1 non-food and drink retail sales (Lawful Development Certificate for a Proposed use or development)

DESCRIPTION OF SITE/PROPOSAL

The site comprises the B&Q retail warehouse, car park and other ancillary land on the Sowton Industrial Estate. It is accessed from Avocet Road and is in St Loyes ward. The site area is 3.24ha. It is bounded by Honiton Road to the north, a wooded embankment adjoining the M5 motorway to the east, the Royal Mail Delivery Office and Mail Centre to the south, and a tree belt on the Western Power Distribution site to the west. Junction 29 of the motorway is to the north. A tree belt screens the retail warehouse from Honiton Road along the north boundary, which is protected by TPO 652. Other trees are planted around the boundary and in the car park. The topography slopes down to the north, so that the building is about 2-3m below the level of Honiton Road. The gross internal floor area of the building is 8,547 sq m. There are no above ground heritage assets in the vicinity. The site is in Flood Zone 1, although parts are at risk of surface water flooding. The north part of the site is in the Exeter Airport safeguarding area for buildings and works exceeding 10m in height, while the south is in the safeguarding area for buildings and works exceeding 15m in height. The south part of the site is also in an area identified as being potentially contaminated. The site is located within an Existing Employment Area defined in the Exeter Employment Land Review 2009 and within a Retained Employment Site in the unadopted Development Delivery DPD (July 2015). The wooded embankment to the east forms part of a Site of Local Interest for Nature Conservation (SLINC) running along the edge of the motorway.

The application has been submitted in outline with all matters reserved except access. The proposal is to demolish the existing retail warehouse and develop a retail park comprising Class A1 (shops) and A3 (cafes and restaurants) uses. The application is a resubmission of an application submitted in 2015 and withdrawn in 2016. The developers are seeking approval for a maximum floorspace of 17,000 sq m (GEA) / 14,865 sq m (GIA) comprising 8,175 sq m A1 ground floor, 5,899 sq m A1 mezzanine and 790 sq m A3. The mezzanine floorspace will be used for trading or non-trading purposes. Approval is also sought for a Parameters Plan, which shows the above floorspace provided in a Core Development Area arranged in an L shape on the site and beyond this an Outer Development Area used for ancillary buildings, pedestrian circulation, car parking, service yard areas and vehicle circulation. The maximum height of buildings in the Core Development Area is 12m. The Parameters Plan also shows 0.64ha landscaping around the edge of the site and two public footpaths to Honiton Road to the north.

The Planning & Retail Assessment included a list of suggested controls for the proposed floorspace, however these were revised to the following during the course of the application:

1. The total gross floor area of the development hereby permitted shall comprise a maximum gross floor area of 14,866 sq m (including mezzanine floors) limited as follows:
 - a. Gross retail floorspace of retail (Class A1) shall not exceed 14,076 square metres, of which:
 - i. no more than 1,394 square metres hereby permitted shall be for the sale of convenience goods; and
 - ii. at least 3,800 square metres of the gross retail floorspace shall only be permitted to sell the following comparison goods:
 - DIY and gardening goods
 - Kitchens and bathrooms

- Carpets and floor coverings
 - Lighting products
 - Household furniture, furnishings and textiles
 - Office furniture and supplies
 - Household goods and kitchenware
 - Electrical goods
 - Motor vehicle related goods
 - Marine accessories and chandlery
 - Camping and associated leisure goods
 - Pets and pet related goods
 - Hobbies, craft and toys
 - Sports and outdoor leisure pursuits clothing, footwear and equipment
 - Toiletries (but only where sold as ancillary goods and not exceeding a maximum of 50 square metres in total)
- b. A maximum of 8no. separate retail units.
 - c. No Class retail units shall have a ground floor gross internal area of less than 550 square metres.
 - d. A maximum of 3no. shall have a gross internal ground floor area of between 550 and 650 square metres.
 - e. No less than 2no. retail units shall have a gross internal ground floor area exceeding 929 square metres.
 - f. A maximum of 790 square metres hereby permitted will be for Class A3 use.
2. Unless otherwise agreed in writing by the Local Planning Authority, none of the approved A1 retail floorspace shall be occupied by any retailer who at the date of occupation, or within a period of 12 months immediately prior to occupation, occupies A1 retail floorspace within the City Centre or any of the District or Local Centres as defined on the Exeter Local Plan First Review Proposals Map, or any subsequent development plan document defining the city, district and local centre hierarchy, unless a scheme which commits the retailer to retaining their presence as a retailer within that Centre, for a minimum period of 5 years following the date of their occupation of A1 retail floorspace within the development, or until such time as they cease to occupy A1 retail floorspace within the development, whichever is sooner, has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be carried out as approved.
 3. Further to any approval of reserved matters pursuant to this planning permission, there shall be no subsequent subdivision of units without the prior approval in writing of the Local Planning Authority.

The applicant has not identified tenants at this stage, however they have stated that they are in discussions with a number of potential retailers and there has been interest from a prominent food retailer.

The access proposals have been submitted in detail and show that the existing vehicular access via Avocet Road will be retained for both customers and service vehicles, however the internal arrangements will change so that there is a service access road immediately on the right as you enter the site. This will require the removal of a small area of woodland. The existing service access road to the west will be removed and partly replaced with new landscaping. The detailed plans show that the existing 1.8m width footway into the site will be retained.

The Parameters Plan shows that the development areas will extend into the TPO protected tree belt to the north by 5-6m. The Tree Constraints Plan shows that this will require the removal of a group of fair quality Italian Alder trees and four good quality Italian Alders. In

addition, all the existing trees in the car park will be removed, as well as a number around the edge of the site, which include good quality trees according to the submitted tree survey.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Design and Access Statement (The Harris Partnership)
- Planning & Retail Assessment (Quod, June 2018)
- Transport Statement (PBA, May 2018)
- Air Quality Assessment (Encon Associates Limited, June 2018)
- Ground Conditions Desk Study (Hydrock, September 2015)
- Flood Risk Assessment and Surface Water Drainage Strategy (Hydrock, September 2015)
- Ecological Assessment (Ecology Solutions, September 2015)
- Tree Survey Report BS5837:2012 Revision A (Encon Associates Limited, 18 September 2015)

REPRESENTATIONS

One representation has been received from Stagecoach objecting to the application. The following issues were raised:

- Destabilising impact on established retail hierarchy.
- Impact on traffic generation and air quality.
- Impact on use and operation of Park & Ride site from overflow parking.
- Cumulative traffic impacts have not been assessed.
- Reliance on 2015 TA with TemPRO not a robust assessment of current conditions.
- Impact on M5 junction and other junctions in the vicinity.
- Bus stops on Avocet Road and Osprey Road nearest the site no longer served by regular services.
- Poor access to bus stops with regular services.
- Access aimed at private car users – does not prioritise access for sustainable modes in accordance with the NPPF.
- Absence of strategy to mitigate air quality impacts.
- See no evidence supporting the need for additional comparison retail space on this scale, in an out-of-centre location.
- Departure from adopted Development Plan.
- Contrary to paragraphs 103, 108 and 110 of NPPF2 and Policies CP8 and CP18 of the Core Strategy.
- Proposal represents unsustainable development.

CONSULTATIONS

Highways England: Recommend conditions. The operation of M5 Junction 29 is most affected by excess queuing and exit blocking from the Moor Lane roundabout in the weekday AM peak hour and it is accepted that this type of development will have little impact on existing traffic levels during this peak hour. Also satisfied the trip generation figures are robust and that when pass-by, linked and transferred trips are taken into account the impact on the SRN is unlikely to be severe in traffic generation terms. The indicative site plan proposes a retaining wall, embankment and landscape planting along the eastern boundary. Important to fully understand the potential impact of these proposals on the motorway embankment and soft estate in order to protect the integrity of the motorway asset. Also important to ensure that surface water drainage is appropriately dealt with in line with the requirements of DfT Circular 02/2013 The Strategic Road Network and the

Delivery of Sustainable Development (para 50). Satisfied that these issues can be dealt with by planning condition.

Local Highway Authority (DCC): Objects – The Transport Assessment suggests the overall predicted additional net traffic impact is expected to be a total of 196 two-way trips in the PM peak hour and 222 two-way trips in the Saturday peak hour. The proposed access does not reflect the access plans of planning application 18/0368/OUT opposite. The highway authority has raised concerns over the intensification of the access over its suitability serving a retail park; stage 1 Road Safety Audit of access requested, but not provided. The Moor Lane/Osprey Road junction modelling shows the junction will work with the development. The Moor Lane/Avocet Road junction modelling is incorrect and the impact of the development on this junction is a significant concern. Unlike the WPD site, the applicant has not made an effort to improve pedestrian facilities at this junction. The highway authority has a number of concerns with the modelling of the impact on Moor Lane roundabout. The rise in vehicular demand will increase the likelihood of this blocking further. Proposed pedestrian links to Honiton Road welcomed. However, these paths do not provide appropriate cycle access to the existing shared use path on Honiton Road – further information required. Other walking and cycling enhancements should be investigated in accordance with local and national policy. The car park is predicted to experience a maximum occupation of 84% during the week and 91% on Saturdays. The amount of cycle parking shown on the plans is below the minimum standards in the Sustainable Transport SPD. A Travel Plan will be required.

In conclusion, further information is required to satisfy the highway authority that all of the proposed elements are acceptable. In particular, further information on:

- Retail trip generation
- Junction Modelling
- Road Safety Audits
- Walking and Cycling access
- Suggested mitigation

In the absence of this information then the highway authority, at this time, would be minded to recommend refusal.

Lead Local Flood Authority (DCC): Objects – Insufficient information. Peak flow control should still be based on the greenfield runoff rate for brownfield sites. Evidence of the calculations of the proposed runoff rate required. Details of the exceedance pathways and overland flow routes required. The maintenance of all surface water drainage components should be addressed, not just the gullies and drains as referred to in the submitted Flood Risk Assessment and Surface Water Drainage Strategy. The climate change allowance figure used is 20%. However, as climate change figures apply to time periods the applicant should clarify the life expectancy of the development.

Exeter International Airport: Would like to see following conditions:

Condition 1: Maximum height of Landscaping.

No trees and shrubs planted on the application site as part of the approved landscaping scheme shall be permitted to grow above the height of the Obstacle Limitation Surface as detailed in Civil Aviation Authority CAP 168 Chapter 4, or EASA CS-ADR-DSN

Reason.

If trees or shrubs exceed this height they will penetrate the Obstacle Limitation Surface (OLS) surrounding Exeter Airport and would endanger the safe movement of aircraft and the

safe operation of the aerodrome through interference with communication, navigational aids and surveillance equipment.

Condition 2: Attractiveness to Birds.

No fruit or berry producing shrubs should be planted on the application site.

Reason.

It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Exeter Airport.

No safeguarding objections provided the conditions are adhered to, that all safeguarding criteria are met, as stipulated in the Airport Operations Advice Note 3, and there are no changes made to the application.

Natural England: No comments. Refer to standing advice in regard to protected species and ancient woodland/veteran trees.

RSPB: The Ecological Assessment concludes that as the site is of low ecological value enhancing the biodiversity is not required. Disagree, as there are opportunities where proactive management to the landscaping and wooded area would be effective, for example: species-rich native planting; invertebrate hotels; and bat/bird boxes. Pleas Design and Access Statement included a significant area of "Green Walling". Recommend conditioning a long term Landscape and Ecological Management Plan.

South West Water: No objection or comment.

Crime Prevention Officer, Devon and Cornwall Police: Security rated fencing required to avoid high level theft. Measures recommended to prevent access to car park to carry out anti-social behaviour out of hours. Protection from hostile or accidental vehicles should be provided to the front curtilages of the retail units and access to pedestrian walk ways. CCTV should be provided. Internal planting should be ideally ground covering and reach a max height of 500mm. Trees should have reduced canopy width and height verities to maximise CCTV coverage and reduce conflict with lighting. Surveillance should be increased by a suitably designed lighting scheme for which a Isolux diagram will be needed. Secure cycle parking standards provided. Confirmation needed of the management policies of the site. Retail spaces on the outskirts of town close to main arterial roads can be targeted by organised shoplifting teams. It is important to maintain an intelligence link with EBAC (Exeter Businesses Against Crime) which is run and controlled by Exeter City Council if possible.

East Devon District Council: No response.

Met Office: No comments or objections. The proposal is outside the consultation zone of the safeguarded satellite enclosure at the Met Office HQ.

Exeter Chamber of Commerce & Industry: No response.

Exeter Cycling Campaign: Objects – Non-compliance with Core Strategy Policies CP1, CP8 and NPPF (2012) paragraphs 24-27 – out-of-centre retail park is not sustainable. Poor quality access and failure to consider cycle movements in wider area. Non-compliance with Core Strategy Policy CP9 and Policy T3 of the Exeter Local Plan – car-centric and will degrade facilities for pedestrians and cyclists. Negative impact on air quality. Negative impact on the safety of vulnerable road users, contrary to paragraphs 32 and 35 of the NPPF (2012). If permission is granted, essential that access design is revised to prioritise pedestrian and cycle movements into and within the development, and significant financial contributions are secured to help mitigate the road safety and air quality impacts.

Environmental Health: Objects – Recommend refusal because of predicted adverse impact on air quality and no mitigation included in proposal. The impact at the back of the pavement on Honiton Road is negligible, but the assessment does not consider the impact further west along the Heavitree corridor, particularly at East Wonford Hill where there are existing levels of nitrogen dioxide pollution that are above the objective level at residential properties. Cumulative impact has not been assessed. Other conditions recommended – CEMP, Contaminated Land, Kitchen Extraction, Litter, Lighting, Noise).

Arboricultural Officer: Stated that the main issue is the retention and reinforcement of the tree belt along the north boundary of the site adjacent to the main road (A30).

Place Making Officer: The proposed layout although illustrative shows a specific quantum of development which if realised as shown would have a detrimental impact on the northern boundary which comprises TPO 652 (which adjoins Upper Moor Plantation TPO 348). The Tree Survey Report refers to the TPO and identifies a number of protected trees to be removed. However, this does not take into account the full extent of the development footprint, which should include the establishment of a comfortable spatial relationship between buildings and trees, space required for construction and circulation. In addition, there is the 2.5-3.0m change of level between Honiton Road, which would need to be accommodated by substantial regrading or retaining structures. All of which would have a significant impact on the TPO area.

Heritage Officer: Site has potential to include buried remains. Standard C57/A38 condition recommended for identifying and recording archaeological remains in accordance with Policy C5 of the Local Plan.

NB. Should the Planning Committee resolve to approve the application, the Secretary of State for the Ministry of Housing, Communities & Local Government will need to be consulted in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 before the decision is issued.

PLANNING POLICIES/POLICY GUIDANCE

Government Guidance

National Planning Policy Framework (NPPF) (February 2019)
Planning Practice Guidance (PPG)

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives

CP1 – Spatial Strategy

CP2 – Employment

CP8 – Retail

CP9 – Transport

CP11 – Pollution

CP12 – Flood Risk

CP13 – Decentralised Energy Networks

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

CP18 – Infrastructure

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

AP1 – Design and Location of Development
AP2 – Sequential Approach
E3 – Retention of Employment Land or Premises
S1 – Retail Proposals/Sequential Approach
S2 – Retail Warehouse Conditions
S5 – Food and Drink
T1 – Hierarchy of Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
C5 – Archaeology
LS4 – Nature Conservation
EN2 – Contaminated Land
EN3 – Air and Water Quality
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG3 – Commercial Development

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

W4 – Waste Prevention
W21 – Making Provision for Waste Management

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

DD1 – Sustainable Development
DD3 – Retention of Employment Land
DD4 – Provision of Local Services in Employment Areas
DD5 – Access to Jobs
DD20 – Accessibility and Sustainable Movement
DD21 – Parking
DD25 – Design Principles
DD26 – Designing out Crime
DD28 – Conserving and Managing Heritage Assets
DD30 – Green Infrastructure
DD31 – Biodiversity
DD32 – Local Energy Networks
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents

Sustainable Transport SPD (March 2013)
Planning Obligations SPD (April 2014)
Trees and Development SPD (Sept 2009)

Devon County Council Supplementary Planning Documents

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

OBSERVATIONS

The key issues are:

1. The Principle of the Proposed Development
2. Access and Impact on Local Highways
3. Parking
4. Impact on Air Quality
5. Contaminated Land
6. Impact on Amenity of Surroundings
7. Impact on Trees and Biodiversity
8. Flood Risk and Surface Water Management
9. Sustainable Construction and Energy Conservation

1. The Principle of the Proposed Development

This application is one of four pending applications for significant retail and associated development along the Honiton Road corridor to the east of the city. All four applications are being brought to committee at the same time, so that a choice can be made on which should be approved taking into account their merits and cumulative impacts. This follows the advice of the Council's external retail consultant, Avison Young (formerly GVA). For information, the other pending applications are listed below:

- 18/0368/OUT – Outline application for the demolition of existing structures, site remediation and redevelopment to provide Classes A1 (retail), A3 (Cafes and Restaurants), associated access, internal circulation, service yards, parking, landscaping, public realm works, infrastructure and dedication of land for improvements to Honiton Road (all matters reserved except access). (At WPD Depot, Moor Lane)
- 18/1007/FUL – Demolition of existing buildings and construction of a mixed use development comprising Class A1 retail units; Class A1/A3/A5 food and drink units with drive through facilities; Class D2 health & fitness use; management office, customer toilet facilities, and associated access, parking, and landscaping. (At Police Headquarters, Devon And Cornwall Constabulary Police Training College, Alderson Drive)
- 18/1330/OUT – Mixed use development to provide town centre facilities comprising uses within Classes A1 (Retail), Class A2 (Financial and Professional Services), Class A3 (Cafes and Restaurants) with associated Drive-Thru's, Class A5 (Hot Food Takeaways), Class D2 (Assembly and Leisure) with associated means of access, access roads, service yards, car parking, infrastructure, public realm and landscaping (all matters reserved except access). (At Land North of Honiton Road and West of Fitzroy Road)

Avison Young has prepared an assessment of the retail planning policy aspects of the application and also an assessment of the cumulative impact issues of the three applications except the Police Headquarters site (due to an unresolved highways objection). These reports are attached. The key issues are summarised below.

Sequential Test

The advice on the sequential test is consistent with the advice received on application 18/0076/OUT ('Moor Exchange') in that the only available sequentially preferable site is the Bus and Coach Station (BCS) site, however its suitability to be redeveloped for major retail floorspace is now in question, due to the challenging market conditions for retail development that had led to the developers of the site pulling out of a scheme to redevelop it for retail and leisure use in 2017. Officers formed the view when dealing with Moor Exchange last year that the BCS site was not viable for major retail development and was

therefore not a suitable alternative site. This remains the case today, as no interest has been made since 2017 to redevelop it for major retail floorspace.

In terms of Cranbrook Town Centre, the NPPF defines a town centre as an area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. This is not the case with Cranbrook Town Centre at the current time, so a sequential test of the centre is not considered necessary.

Paragraph 87 of the NPPF states that when considering out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Taking into account the requirement for flexibility on issues such as format and scale, the Moor Exchange site is considered sequentially preferable to the B&Q site, as it is nearer to bus stops with regular services to the City Centre.

Impact Test

There is no evidence to suggest that the proposal will have a significant adverse impact upon investment on the BCS site. In 2016, the Secretary of State determined that an earlier, larger proposal on the Moor Exchange site for a District Centre would not do so when there was at that time a live project to redevelop it for retail/leisure use.

Avison Young has also assessed the financial impacts of the scheme on the defined centres in Exeter. None of the impacts are considered to be significantly adverse warranting the refusal of the application in accordance with NPPF paragraph 90, taking into account the Council's position at the public inquiry held in December 2015 regarding the earlier application on Moor Exchange. The assessment notes the following impacts:

- A 1.3% impact on the convenience goods sector in the city centre (rising to 2.2% when commitments are taken into account);
- A 1.7% impact upon foodstores in Heavitree district centre (rising to 3.6% when commitments are taken into account);
- A 2% impact upon foodstores at St Thomas district centre (influenced primarily by the impact on the M&S Foodhall) (rising to 2.6% when commitments are taken into account);
- A 3.8% impact upon the city centre's comparison goods turnover (based upon a diversion of £13.83m) (rising to 4.9% when commitments are taken into account); and
- A 14% impact upon St Thomas district centre (influenced primarily by the impact upon stores in the Exe Bridges part of the district centre).

On an individual basis, the proposal will have the largest impact on the City Centre and St Thomas District Centre in terms of comparison goods, due to the scale of the retail floorspace and the general lack of controls over the range of comparison goods to be sold. However, the impacts in terms of convenience goods may be slightly lower than the other schemes.

Avison Young have also carried out a cumulative retail impact assessment of this application and the applications on the WPD Depot and Moor Exchange sites. It did not include the application on the Police Headquarters site, due to an objection by the Local Highway Authority to this scheme over the access arrangements. The cumulative assessment concludes that only one of the proposed schemes should be permitted to avoid significant adverse impacts on Exeter City Centre and St Thomas District Centre. Provided the applications are acceptable in all other respects, this requires a judgement to be made over

which application should be approved. Officers consider that the salient factors in making this determination should be the accessibility of the sites to the local community by sustainable modes of travel and how well the proposals serve the local community's day-to-day needs. Due to its close proximity to housing in Hill Barton Vale and its wider mix of uses, the current Moor Exchange application is considered to be the most sustainable out of the three.

In addition, as stated above, paragraph 87 of the NPPF states that when considering out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. There are bus stops on Honiton Road directly adjoining the Moor Exchange site with regular services to/from the City Centre, which is not the case for the other applications. In comparison, the public transport accessibility of the B&Q site is relatively poor. Therefore, Moor Exchange is considered to have the best access to the City Centre by public transport.

The current Moor Exchange application is therefore recommended for approval. If Members decide to approve the Moor Exchange application, then this application (B&Q) should be refused due to the cumulative impacts of the proposal on the City Centre and St Thomas District Centre.

Fall-back

The applicant has raised the issue that when the existing building was granted planning permission by the Secretary of State in 1985, when the site was not in the administrative area of Exeter, no restrictions were placed on the development in terms of the range of comparison goods that can be sold from the premises or preventing the subdivision of the main building into smaller retail units (NB. restrictions were placed preventing the sale of food and drink to be consumed off the premises). Consequently, the applicant states that if the application is refused, there is a 'fall-back' option of splitting the existing building into a number of smaller retail stores, which could sell comparison goods typically found in the City Centre, such as fashion goods. The applicant states that this is a material consideration that should be given significant weight in the overall planning balance and previously provided three sketch plans showing the subdivision of the existing building accordingly.

GVA previously advised the Council not to place significant weight on the proposed fall-back option for the following reasons:

- there is no evidence of commercial market interest in the existing building;
- there is not any certainty that the scenarios suggested by the applicant can avoid the need for further planning permissions;
- the fall-back scenario does not allow the sale of food and/or provision of Class A3 units; and
- the fall-back is considerably smaller than the redevelopment proposal (8,547 sq m, plus 200 sq m mezzanine allowance, instead of proposed 14,865 sq m. This is equivalent to a 70% increase over existing floorspace).

Officers accept there is a fall-back option for the site, but do not consider it should carry significant weight as a material consideration in the determination of the application. The proposal will comprise around 6,000 sq m more retail floorspace in an out-of-centre location than the proposed fall-back. It could be higher as one of the sketch plans showed a large void area in the existing building. Also, all the sketch plans included the greenhouse extension, which is restricted to garden centre use only under planning permission ref. 99/0449/03. The proposal is also likely to comprise more retail units than the fall-back, due to a much longer retail frontage as shown on the submitted plans.

Therefore, the fall-back is not directly comparable to the proposal. Objections were also received against the previous application questioning the commercial attractiveness and deliverability of the proposed fall-back.

Finally, the fall-back argument was made on the previous application withdrawn in 2016. However, the fall-back has not been implemented in the three years that have passed since. It is therefore difficult to treat it as a genuine fall-back option for the land owner.

In conclusion, the proposed fall-back is considered to carry limited weight and does not convince officers that the B&Q proposal should be approved before the Moor Exchange proposal. The Moor Exchange site is sequentially preferable due to better public transport connections to the City Centre, it has better accessibility to the local residential community by sustainable modes of travel and has a more balanced mix of uses to help meet day-to-day needs.

2. Access and Impact on Local Highways

The Local Highway Authority recommended refusal of the application until such time that further information was provided to confirm that the proposed access arrangements and impact on local highways were acceptable. Further information was required on: retail trip generation; junction modelling; road safety audits; walking and cycling access; and suggested mitigation.

The above response was received in November 2018. It is understood that discussions recommenced between the applicant's transport consultant and the Local Highway Authority in June 2019, but no new information has been submitted and an updated response has not been received from the Local Highway Authority.

Without confirmation that the proposed access arrangements and impact on local highways are acceptable, a reason for refusal should be added addressing this issue.

3. Parking

The indicative car parking standards set out in Table 3 of the Sustainable Transport SPD state that 1 space per 14 sq m (GIA) is required for food retail and 1 space per 20 sq m for non-food retail. This means that approximately 774 car parking spaces should be provided if the maximum floorspace applied for and the maximum convenience floorspace are delivered going by the adopted SPD.

The illustrative plan submitted with the application shows a large car park with 485 car parking spaces. A utilisation exercise was carried out by the applicant that predicted a maximum car park occupation of 84% (407 spaces) during the week and 91% (441 spaces) on Saturday. Stagecoach commented that this represents practical full capacity given that the churn of spaces requires a certain degree of vacancy.

'Layout' is a reserved matter, therefore the number of parking spaces will not be fixed as part of this application. Should the application be approved, officers will negotiate to see if a lower amount of car parking can be achieved in favour of improved facilities for pedestrians and cyclists within the site in the interests of reducing the impacts of climate change. However, there appears less scope to do this for this application compared to the other retail applications under consideration.

Stagecoach raised concerns regarding the implications for the Park & Ride site. If the application is approved, a condition should be added requiring a car park management

strategy to ensure that appropriate restrictions are in place to prevent permanent parking in the car park, which may lead to overspill parking in the Park & Ride car park.

The Sustainable Transport SPD requires a minimum of 4 + 4% of the total capacity of the car park for disabled users. It also states that retail facilities should be future-proofed to provide charging points for electric vehicles. If the application is approved, a condition should be added securing disabled spaces and electric charging points accordingly.

The Sustainable Transport SPD includes minimum cycle parking standards for staff and visitors/customers, as well as design guidance on security. It also states that where more than 20 people are to be employed, showers, lockers and space to dry clothes must be provided in accordance with Policy T3(c). If the application is approved, conditions should be added securing these facilities in the development accordingly.

4. Impact on Air Quality

The submitted Air Quality Assessment predicts the scheme will have a negligible impact on air quality both within and outside the Air Quality Management Area (AQMA). Therefore, no mitigation measures are proposed apart from construction mitigation measures.

Environmental Health have objected because the assessment has not assessed the impact of the development at East Wonford Hill within the AQMA, where pollution levels are exceeding the objective level at residential properties. It is likely that the impact of the development on air quality in this location will be at least 'moderate' and potentially 'major'.

In the absence of an assessment of this impact and identification of appropriate mitigation measures, the proposal is considered to fail against Policy EN3 and should be refused accordingly.

5. Contaminated Land

The Ground Conditions Desk Study concludes that the overall risk from land contamination at the site is very low to low. However, an appropriate intrusive investigation is recommended to confirm the actual risk to receptors. Environmental Health stated this should include assessment of ground gas risks and have recommended the standard full contaminated land condition accordingly.

6. Impact on Amenity of Surroundings

The site is located on the Sowton Industrial Estate. Apart from highways, the site is surrounded by employment uses. Therefore, the proposal is unlikely to have an adverse impact on the amenity of the surroundings. This notwithstanding, Environmental Health have recommended a number of conditions in the interests of the amenity of the area, which should be added if the application is approved.

7. Impact on Trees and Biodiversity

The detailed access proposals will necessitate the removal of two good quality trees and a woodland area adjacent to the existing access. The other plans indicate that the trees within the car park will be removed, as well as a row along the east boundary. They also indicate that a number of trees will be removed from the TPO area to the north.

The proposals have been discussed with the Arboricultural and Place Making Officers: It's considered that the unprotected trees to be removed on the site can be mitigated by replacement tree planting within new landscaping areas on the site and the proposed car

park, and that this should form part of the details of 'landscaping' at reserved matters stage. However, the removal of protected trees from the TPO area to the north is considered unacceptable. Apart from the environmental benefits of the trees themselves, this area of woodland provides a swathe of greenery as a visual and urban design feature at a key entrance point into the city and should be retained in its entirety. Policy DG1 states that development should:

“(c) Fully integrate landscape design into the proposal and ensure that schemes are integrated into the existing landscape of the city including its three-dimensional shape, natural features and ecology;

“(h) Ensure that all designs promote local distinctiveness and contribute positively to the visual richness and amenity of the townscape.”

This is supported by design policies in the NPPF promoting 'sense of place', local character and identity.

As 'layout' is a reserved matter, an informative should be added accordingly if the application is approved. The submitted Parameters Plan should not be approved, due to the encroachment into the TPO area. A tree protection condition should be added to protect the retained trees on and around the site during the construction phase.

In terms of biodiversity impacts, it should be noted that the woodland area that will be removed adjacent to the existing access is linked to the SLINC to the east of the site via woodland along the south boundary. An Ecological Assessment has been submitted dated September 2015. This is the same one submitted for the previous application. It includes the results of an extended Phase 1 survey of the site, and bat and badger surveys carried out in September 2015.

The assessment concludes that the proposed development will not affect any statutory protected wildlife sites and the majority of habitats on the site are of negligible ecological interest. The loss of existing habitats will be offset by new landscaping focusing on native species and those of benefit to native wildlife. There are no protected species using the site, but it's recommended to retain and enhance features of interest to bats, such as the wooded belt at the site boundaries, and to avoid the bird breeding season when removing trees/suitable habitats (unless a check survey is undertaken). There should be no net increase in artificial lighting and lighting spillage onto the wooded belt around the site should be avoided. If the application is approved, conditions should be added dealing with these issues.

While the surveys are almost four years old, they were carried out during the optimum period for botanical surveys and no protected species were found. Therefore, no further survey effort is required at this stage. However, if the application is approved, a 'condition survey' should be carried out prior to commencement of works to ensure protected species have not started using the site, taking into account Natural England's Standing Advice. A condition should be added accordingly.

8. Flood Risk and Surface Water Management

Policy EN4 does not permit development if it would be at risk of flooding. The site is within Flood Zone 1 and the proposed use is classified as 'less vulnerable' (see PPG). 'Less 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. The proposed surface water drainage strategy incorporates an attenuation system consisting of underground geocellular storage crates near the site entrance that will discharge to a watercourse along the west boundary at a controlled rate. The Lead Local Flood Authority is Devon County Council. They have objected because insufficient information has been provided to demonstrate that all aspects of the surface water drainage management plan have been considered. However, this matter could be addressed by pre-commencement conditions should the application be approved.

9. Sustainable Construction and Energy Conservation

Policy CP13 requires new development with a floorspace of at least 1,000 sq m to connect to any existing, or proposed, Decentralised Energy Network in the locality to bring forward low and zero carbon energy supply and distribution. The proposed development will exceed this floorspace and the site is located close to one of the network areas. Therefore a condition is required to ensure the building is connected to the network or is constructed to be connected in the future, taking into account emerging Policy DD32 and its supporting text.

Policy CP15 requires all non-domestic development to achieve BREEAM 'Excellent' standards from 2013. A condition should be added securing a BREEAM design stage assessment report and post-completion report to ensure Policy CP15 is complied with.

CIL/S106

The proposed development is CIL liable, as it is for out of city centre retail (A1-5) development. The rate for permission granted in 2019 is £177.46 per sq m. This is charged on new floorspace. The application has been submitted in outline with all matters reserved except access, therefore the total liability will depend on the scale of development approved at reserved matters stage. However, based on the maximum retail floorspace applied for, the total liability will be up to £2,637,942.90. As the CIL liability will be more than £50,000, it can be paid in the following instalments provided an assumption of liability notice form and commencement form are submitted prior to commencement:

1. £50,000 within 60 days after the date on which development commences
2. £150,000 within 1 year after the date on which development commences
3. £200,000 within 18 months after the date on which development commences
4. Outstanding liability (up to £2,237,942.90) within 2 years after the date on which development commences

If these forms are not submitted prior to commencement of the development, the right to pay in instalments will be lost.

At this stage, a s106 legal agreement is not considered necessary.

RECOMMENDATION

REFUSE for the following reason(s):

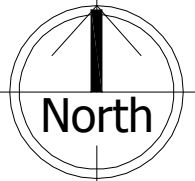
1. Insufficient information has been provided to confirm that safe and suitable access can be achieved to the site for all users, taking into account the transport hierarchy in Policy T1 of the Exeter Local Plan First Review, or that the residual cumulative impacts of the scheme on the road network would not be severe. In the absence of this information and confirmation from the Local Highway Authority that these issues are acceptable it cannot be ensured that safe and suitable access to the site will be provided or that the development would not have severe cumulative impacts on the local road network,


including securing the provision of any necessary infrastructure in accordance with Policy CP18 of the Core Strategy. The application therefore contravenes paragraph 108 of the NPPF.

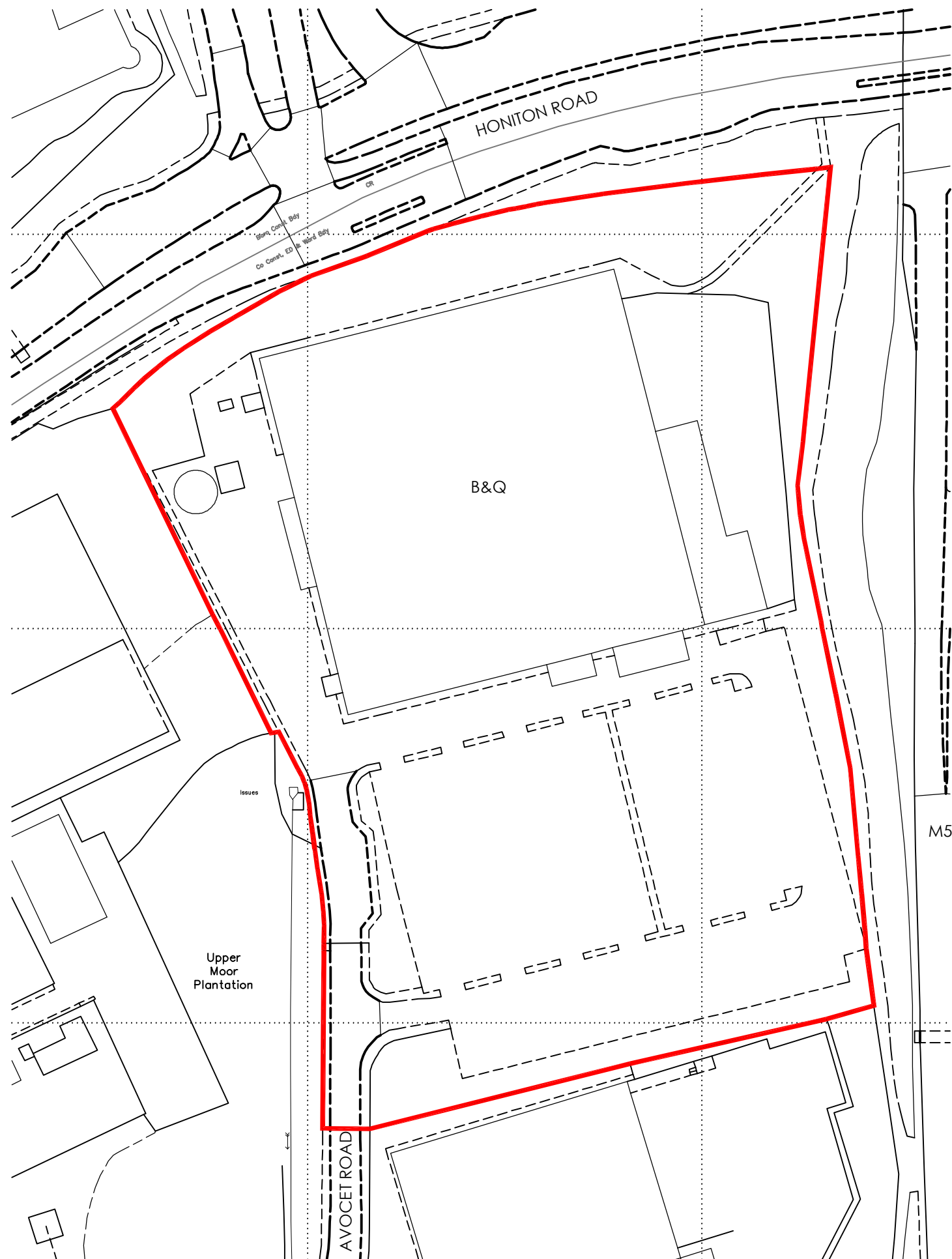
2. Insufficient information has been provided to confirm that the proposed development will not have an adverse impact on air quality at East Wonford Hill within the Air Quality Management Area (AQMA), where pollution levels are exceeding the objective level at residential properties, and no air quality mitigation is proposed should the development have an adverse impact at this location. In the absence of this information, it cannot be ensured that the development would not harm air quality within the AQMA and the application is considered to be contrary to Policy CP11 of the Core Strategy, saved Policy EN3 of the Exeter Local Plan First Review and paragraph 181 of the NPPF.
3. Paragraph 87 of the NPPF states that when considering out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Taking into account the requirement for flexibility on issues such as format and scale, the site subject to planning application number 18/1330/OUT ('Moor Exchange') and recommended for approval by officers is considered sequentially preferable to the application site, as it is nearer to bus stops with regular services to the City Centre. The application is also considered to contravene Policy CP8 of the Core Strategy, as it is considered to have poor access by public transport and other sustainable travel modes.

The following reasons to be added if Moor Exchange (18/1330/OUT) is approved:

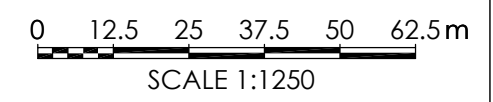
4. The proposal in combination with the proposal submitted under application number 18/1330/OUT ('Moor Exchange') would have significant adverse cumulative impacts on the vitality and viability of, and existing investment in, Exeter City Centre and St Thomas District Centre, contrary to Policy CP8 of the Core Strategy, saved Policy S1 of the Exeter Local Plan First Review and paragraph 90 of the NPPF.
5. A cumulative transport impact assessment has not been carried out to confirm that the proposal in combination with the proposal submitted under application number 18/1330/OUT ('Moor Exchange') would not have a severe impact on the local highway network contrary to paragraphs 108 and 109 of the NPPF.
6. A cumulative air quality impact assessment has not been carried out to confirm that the proposal in combination with the proposal submitted under application number 18/1330/OUT ('Moor Exchange') with or without mitigation would not harm air quality within the Air Quality Management Area (AQMA) contrary to Policy CP11 of the Core Strategy, saved Policy EN3 of the Exeter Local Plan First Review and paragraph 181 of the NPPF.



 SITE APPLICATION RED LINE BOUNDARY
8.02 ACRES / 3.24 HECTARES



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Rev	Date	Description	Rev By	Chk'd By
B	17-09-15	Notation updated.	OJC	MJS
A	10-09-15	Notation updated.	OJC	MJS

Project Title	Proposed New Retail Development Sowton Industrial Estate Avocet Road Exeter EX2 7JF		
Client	BRITISH LAND		
Status	PLANNING		
Scale	1:1250	Drawing Size	A3
Drawn By	OJC	Checked By	MJS
Date	07-09-15		

Drawing Title	LOCATION PLAN		
Job-Dwg No	13064-100	Rev	B
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Assessment of Retail Planning Policy

Planning Application for Class A1 & A3 Retail and Associated Development at the Existing B&Q Warehouse, Avocet Road, Exeter

March 2019

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Appendices

Appendix I	Impact Assessment
Appendix II	Suggested controls over the proposed retail floorspace

1. Introduction

- 1.1 This advice report has been prepared by GVA for Exeter City Council ('ECC') in relation to the retail and town centre planning policy aspects of an outline planning application by British Land Retail Warehouses Ltd ('the applicant') to redevelop the existing B&Q Warehouse store at Avocet Road for Class A1 and Class A3 retail floorspace and associated development.
- 1.2 A description of the proposed development can be found in Section 2 of this advice report.
- 1.3 This planning application, hereafter referred to as 'the B&Q application', is one of a number of planning applications for retail development on the eastern side of the Exeter urban area. GVA has recently provided advice¹ on retail planning policy issues to ECC in relation to the Moor Exchange proposal on Honiton Road, a proposed retail and leisure development at Middlemoor, the construction of a non-food retail unit within the existing car park at the Tesco Extra store on Russell Way and the redevelopment of part of the existing WPD depot.
- 1.4 In a similar manner to our written advice on these proposals, this advice deals with the B&Q application alone and separate advice on cumulative impact matters will be provided to ECC in order that consideration can be given to the impact on defined town centres in the event that ECC wishes to consider whether to grant planning permission for one than one of these retail development proposals.
- 1.5 Given the location, planning policy status and scale of the proposed retail floorspace, this advice report considers the relationship of the proposal against the sequential and impact planning policy tests. Similar issues were raised in relation to our advice on the above proposals and therefore elements of that previous advice contain relevant background and contextual information for this application at the B&Q store. Therefore, in the interests of brevity, we will refer to the content of that previous advice where necessary. Moreover, whilst the B&Q application needs to be determined on its own merits, it is nevertheless useful to refer back to the Secretary of State's 2016 decision on the Moor Exchange proposal on Honiton Road as it can provide useful information on sequential test and retail impact issues.
- 1.6 The main focus for our assessment of this proposal has been a review of the contents of a Planning & Retail Assessment ('PRA') prepared by Quod and dated June 2018. During the course of preparing this advice, Quod has provided further detail on the range of controls proposed by the applicant over the proposed retail floorspace².
- 1.7 From the outset it should be noted that since the completion of the PRA the updated version of the National Planning Policy Framework ('NPPF') was published by the Ministry of Housing, Communities and Local Government in July 2018. The new NPPF will now be a material consideration for ECC when determining these retail development proposals. Our advice on the WPD proposals has summarised the salient content of the new NPPF, insofar as retail and town centre planning policy issues are concerned.
- 1.8 The remainder of this advice report is structured in the following manner:

¹ In a report to ECC dated May 2018

² In an email dated 25th February 2019

- Section 2 outlines the content of this planning application.
- In section 3 we consider the key retail and town centre planning policy issues, including the sequential and impact tests.
- Section 4 provides a summary of our assessment and our advice to ECC.

2. The Proposed Development and the Salient Planning History of the Application Site

2.1 This application (ECC reference: 18/0983/OUT) is submitted in outline, with all matters reserved except for access, with the following description of development:

“Outline planning permission for a retail park (Class A1) along with complementary café/restaurants (Class A3) including means of access (all other matters reserved)”.

2.2 Section 3 of the PRA indicates that approval is being sought by the applicant for the following plans and development parameters:

- The site location plan
- The proposed access plan
- The development parameters plan
- A maximum of 17,000sq m of gross external floorspace and 14,865sq m gross internal floorspace.
- Maximum ground floor Class A1 floorspace of 8,175sq m gross and 5,899sq m gross at mezzanine level.
- A maximum of 790sq m gross Class A3 restaurant and café floorspace.

2.3 In addition to the matters sought for approval, Section 9 of the PRA indicates that the applicant is willing to accept controls over the future use of the retail floorspace, including:

- A limit on the maximum gross floorspace in the development
- No more than 1,394sq m to be used for the sale of convenience goods
- A maximum of 8 separate units
- A minimum unit size of 550sq m (GIA)
- Maximum of three units to have a gross area of between 550sq m and 650sq m
- No less than two units to have a floorspace exceeding 929sq m GIA
- For a period of three years from the grant of permission, no retailer trading in Exeter city centre’s primary shopping area shall occupy the proposed development.
- *“For a period of three years from the grant of consent, retailers who are not represented within Exeter City Council’s Primary Shopping Area (as defined by the development plan) shall not occupy floorspace within the development hereby permitted without the prior written approval of local planning authority, Where there is interest from a retailer who is not currently represented in Exeter robust justification will be required to support why that retailer’s business model could not be located within any of Exeter’s defined town centres should a suitable site be available”.*

- 2.4 Paragraph 9.3 of the PRA indicates that these proposed conditions are not exhaustive. During the course of our assessment of the retail and town centre planning policy issues associated with this application, the applicant (via Quod) has provided further information on the suggested controls over the proposed floorspace and these are attached at Appendix II.
- 2.5 Apart from reference to the area which can be used for convenience goods sales, there is no a suggested control over the total net sales area for the Class A1 retail floorspace. Such a control is likely to be necessary in order to control the development, should it be approved by ECC.
- 2.6 Nevertheless, the additional information submitted in February 2019 is helpful regarding the queries in relation to the suggested original and subsequent controls over the range of comparison goods to be sold from the proposal. We will address this supplementary information later in this advice report.
- 2.7 Returning to the submitted application, an illustrative masterplan has also been submitted with the application, although approval for this plan is not sought. The indicative layout is shown in Figure 2.1 below.

Figure 2.1: illustrative site layout



- 2.8 The arrangement shown above, including the number and size of units, is clearly only one of a number of permutations, which is reinforced by the wide range of goods which can be sold from the Class A1 retail floorspace. This is clearly unsurprising given the outline nature of the application but the proposed controls can assist with the determination of this application. It is on this basis that we proceed with our advice on retail planning policy issues associated with this retail planning policy issues in relation to this particular planning application.
- 2.9 It should also be noted that this is the second planning application in recent year for the redevelopment of the B&Q site. The applications are very similar and it will be noted that the previous application (ECC reference 15/1065/01) was withdrawn prior to its determination by ECC. Within both applications, the applicant suggests that there is a fall back situation in relation to the existing B&Q unit as it has an open A1 non-food planning permission. We have previously advised ECC on the relevance of this alleged fall back and we do not consider that the latest application provides any new or alternative information to suggest that our previous advice should be amended.

3. The Key Retail Planning Issues

- 3.1 As outlined in the introductory section of this advice, the location and scale of the proposed retail development indicates that consideration should be given to the relationship of the proposal with the sequential and impact tests. We outline our review of each test in turn below.

The Sequential Test

- 3.2 The distance between the application site in the nearest defined 'town centres' in ECC's formal centre hierarchy in its development plan means that the site should be classified as an out-of-centre location. Therefore, consideration should be given to whether there are any sequentially preferable in-centre, edge-of-centre, or more accessible and better connected³ out-of-centre sites or premises which can provide suitable and available alternatives for the proposed development (taking into account the need to demonstrate flexibility).
- 3.3 It has been established by ECC over recent years, and acknowledged by Quod in the PRA, that the only sequentially preferable redevelopment site which has the potential to accommodate large scale retail and leisure development is the Bus and Coach Station ('BCS') site in Exeter city centre. This was the focus for the Inspector's and Secretary of State's examination of the sequential test for the original Moor Exchange public inquiry in late 2015 (and the Secretary of State's decision in 2016) and has remained our focus for the more recent assessment of the new Moor Exchange proposal and also the Middlemoor proposal.
- 3.4 It is well known that the original Moor Exchange proposal was dismissed by the Secretary of State on the basis that the BCS site was a suitable and available alternative. Our May 2018 advice on the more recent Moor Exchange proposal revisits the previous analysis and examines whether matters have materially changed. Our advice concludes that:

"We consider that the focus for the sequential test remains on the BCS site and our re-assessment of its suitability and availability finds a number of factors have not materially changed since the 2015 public inquiry and the June 2016 Secretary of State decision.

These include the development plan strategy towards the site and the physical condition of the site. However, there have been some material changes including the abandonment of the redevelopment scheme promoted by the Crown Estate which is related to changes in market conditions. In addition, as a consequence of the abandonment of the redevelopment scheme (based upon the outline planning permission) ECC will now assess its options with regards to the BCS site going forward and there is a possibility for a change in approach for the land use mix. As a consequence, we consider that it reasonable to remain of the view that the majority of the BCS site considered as part of the previous proposal remains available but there is now much less certainty over it being a suitable alternative for the Moor Exchange proposals.

Also relevant to the issue of suitability is the content of the current scheme. In overall terms, the current scheme is smaller than the scheme refused in 2016, with a similar amount of Class A1 retail floorspace. That change does not suggest that the current scheme cannot be physically accommodated on the BCS site. However, the applicant has contemplated that the current scheme could include a reasonably large foodstore, which is shown on the indicative illustrative masterplan. However, the provision of this floorspace is not guaranteed by the proposed floorspace control offered by the applicant. This suggests no real difference from the previous scheme. However, should a large format foodstore become a formal and guaranteed part of the current scheme, we consider that it could not be accommodated on the BCS site thus potentially removing any potential concern that the BCS site was still a suitable alternative".

³ In relation to defined 'town centres'

3.5 Whilst it is important to note that the Moor Exchange and B&Q proposals are not identical, there are a number of conclusions from our recent Moor Exchange advice which are equally relevant to the B&Q analysis. These are:

- These are a number of matters which have remained the same since the 2016 Secretary of State, which include: the development plan strategy for the BCS site, the physical condition of the site and its general availability.
- There has also been the abandonment of the Crown Estate proposals and the decision by ECC to assess its options for the site going forwards and a possible change in approach in the land use mix.
- Overall, the BCS remains an available alternative but there is now much less certainty over it being a suitable alternative for a large scale retail development proposal.

3.6 In terms of the differences between the schemes, it should be noted that the B&Q proposal is of a similar size to the Moor Exchange proposals and therefore, in line with the comments made in paragraph 4.33 of our Moor Exchange advice, this would suggest that the B&Q proposal can be physically accommodated on the BCS site.

3.7 The analysis presented by Quod in the PRA acknowledges the content of the Moor Exchange appeal decision but does not explain the flexibility associated with the outline planning application proposal at the B&Q site. Indeed, despite the Moor Exchange and B&Q proposals being similar in nature, paragraph 5.34 of the PRA suggests that “if the application proposal is to be located on the BCS site, it could not accommodate the scale and nature of floorspace proposed at the application site or meet the same need that the proposed [sic] is intended to serve”. In our view, there is nothing in the B&Q proposal which can distinguish it from the Moor Exchange scheme and there is nothing to distinguish the schemes in terms of the ‘needs’ that they could both meet (particularly given the outline and highly flexible nature of the schemes).

3.8 As a consequence of the above, the potential suitability and availability of the BCS site as an alternative to the B&Q site will ultimately depend upon ECC’s next steps in terms of bringing the site back for redevelopment following the abandonment of the Crown Estate proposal.

Impact

3.9 Given the location of the application site and the scale of the proposed retail floorspace, there is also a need to consider whether the proposal is likely to have a significant adverse impact upon the health of, or investment within, defined ‘town centres’ in the local area.

3.10 In relation to the ‘impact on investment’ test, there is no evidence / analysis to suggest that the B&Q proposal is likely to have a significant adverse impact upon investment on the BCS site. Indeed, even when there was a ‘live’ redevelopment scheme at the BCS site, the Secretary of State concluded that the prospect of a significant adverse impact from the 2015 Moor Exchange proposal was not likely. Given that the Crown Estate scheme, which was the focus for the previous assessment, has now been abandoned, we consider that it would be unreasonable to suggest that the risk of a likely significant adverse impact remains.

- 3.11 In relation to the 'impact of town centre health' test we have examined the applicant's financial impact analysis, undertaken our own analysis, and also considered the wider effect of the B&Q proposal.
- 3.12 The applicant's forecast turnover of the proposal is shown in Table 1 in Document 7 of the PRA. It is based upon the identification of particular retailers for each of the seven Class A1 retail units (including Next at Home, Marks & Spencer Simply Food, Homesense, Boots, New Look, Sports Direct and H&M). This is a common approach in retail assessments and matches the approach previously undertaken by GVA in our assessment of the Moor Exchange proposals. The sales densities adopted by Quod range from £2,500/sq m to £10,154/sq m for the comparison goods floorspace and £11,328/sq m for the convenience goods floorspace.
- 3.13 However, it must be acknowledged that the forecast turnover may be different if alternative retailers were to occupy the completed development. In order to test such a potential alternative, Quod also test an alternative financial impact scenario whereby all the comparison goods floorspace trades at £5,000/sq m.
- 3.14 The applicant's analysis predicts the following levels of trade diversion in relation to convenience and comparison goods expenditure:
- Comparison goods diversion:
 - Exeter city centre - £38.4m
 - Heavitree - £0.1m
 - Pinhoe - £0.1m
 - St Thomas - £0.9m
 - Topsham - £0.3m
 - Rydon Lane - £0.4m
 - Alphington - £0.4m
 - Marsh Barton - £1.5m
 - Sowton - £1.5m
 - Outside of Exeter - £7.1m
 - Convenience goods diversion:
 - City centre - £1.8m
 - St Thomas £0.5m
 - Topsham - £0.1m
 - ALDI, Alphington - £0.3m
 - ALDI, Pinhoe - £0.1m
 - Lidl Burnthouse Lane - £0.1m
 - Lidl, Powlesland - £0.1m
 - Morrisons - £1.2m

- o Sainsburys, Alphington - £1.4m
 - o Sainsburys, Pinhoe - £1.4m
 - o Tesco Extra, Russell Way - £1.1m
 - o Waitrose, Heavitree - £0.9m
 - o Other out of centre stores - £0.1m
 - o Outside of Exeter - £2.0m
- 3.15 The applicant's comparison goods assessment is forecasting that 74% of the proposal's turnover will be diverted from Exeter city centre. This comprises the largest single element of diversion by some margin and recognises the importance and popularity of the city centre for comparison goods shopping. Whilst our own assessment suggests that a slightly higher amount of diversion – circa 79% - the difference is not substantial and we generally agree with the applicant's comparison goods analysis in relation to the city centre. We do not, however, agree with Quod that some £7.1m of comparison goods expenditure will be diverted from outside of Exeter and consider that the difference here will be made up by a slightly higher level of diversion from the city centre and out of centre retail parks in the city.
- 3.16 In relation to the applicant's forecast pattern of diversion for convenience goods we consider that Table 4 in Document 7 of the PRA provides a reasonable assessment, with is more dispersed than the comparison goods assessment and reflects the likely main sources of competition for the proposed convenience goods floorspace. The pattern of diversion would appear to have been influenced by Marks & Spencer as the intended occupier for the convenience goods floorspace in the proposal and a higher level of diversion from more local stores may have been expected if the occupier was, say, ALDI or Lidl. However, as established through our assessment of the other retail development proposals in the local area, which include provision for a modest amount of convenience goods floorspace, even an alternative pattern of trade diversion is unlikely to lead to harmful impacts upon the financial performance of defined 'town centres' across Exeter.
- 3.17 Overall, the applicant's comparison goods diversion forecasts suggest a 3.0% cumulative impact upon the city centre's convenience goods sector and a 4.4% impact upon the city centre's comparison goods turnover. These are slightly higher than comparison goods impacts forecast in relation to the other current/recent retail development proposals on the eastern side of the Exeter urban area (including the 2015/2016 Moor Exchange appeal proposal), however they are not significantly higher.
- 3.18 In relation to the 2015/2016 Moor Exchange appeal proposal, it was not ECC's case at the December 2015 public inquiry that this level of direct financial impact would lead to a significant adverse impact upon the health of the city centre. As a consequence, we do not consider there is evidence to suggest that a different conclusion could be reached in relation to the B&Q outline planning application (when existing commitments are taken into account). Indeed, as advised by the NPPG, the positive and negative effects should be considered alongside other material considerations in the overall planning balance. In relation to the impact of the proposal on the health of the city centre, we consider that the following should be taken into account:

- The direct financial impact of the proposal on the city centre's convenience and comparison goods sectors does not suggest a likely significant adverse impact but should be considered as a minor adverse impact.
- The proposal will provide a rival shopping destination for the city centre, as also observed in relation to the Moor Exchange and WPD proposals, as it could provide an opportunity for an additional store for existing city centre retailers. Clearly, the proposal is not of a similar scale to the city centre but could lead to a reduced need to visit the city centre for some convenience and comparison goods shopping trips. This should also be considered as a minor adverse impact associated with the proposal.
- The applicant's proposed controls over the range of retail goods to be sold from the proposed development do little to alter our opinion that this proposal will provide a rival shopping destination to the city centre. Whilst it is possible, but by no means certain, that 10% of the proposed floorspace could be used in association with convenience goods sales, the range of restricted comparison goods listed in proposed condition (1)(a)(ii) covers only one quarter of the total proposed floorspace. In any event, the range of restricted goods in (1)(a)(ii) covers almost all comparison goods with the only main category of goods omitted being clothing, footwear and fashion items. As a consequence, whilst on its own we do not consider it likely that the B&Q proposal will have a significant adverse impact upon the vitality and viability of Exeter city centre, the lack of any serious controls over the sale of comparison goods means that the B&Q proposal is likely to have the largest individual impact of any of the current proposals currently being considered by ECC.
- Based upon the format and scale of floorspace being proposed, there is also the potential for retailer relocations from the city centre to the B&Q site. The number of relocations which could take place is, of course, limited by the scale of the proposal⁴, and the strength of the city centre as a trading destination may also dampen the possibility of closures. However, it is nevertheless a potential characteristic of the proposal which should be taken into account. To try and counter this potential, the applicant has offered an obligation which would force any retailer within any of the defined 'town centres' across the city, who wished to open a store in the B&Q development, to keep open their existing city centre store for at least five years. This matches the obligations being offered by some of the other current retail proposals in the city (such as the WPD development) and is essential only a short term mitigation measure.

3.19 Like the Moor Exchange and other current retail proposals, there is also a need to consider the impact on the health of St Thomas district centre. The applicant's analysis predicts a 2.8% impact upon the centre's convenience goods sector and a 10% impact upon its comparison goods sector. We consider that there are no apparent material differences between the circumstances surrounding the district centre between the time of the Moor Exchange appeal in 2015/2016 and the present time and it is likely that the B&Q proposal will have a similar impact upon the district centre as the 2015/2016 Moor Exchange scheme.

3.20 As a consequence, and in the interests of consistency in decision making, there is no reason for ECC to change its approach in relation to St Thomas district centre.

⁴ Up to 8 separate units

3.21 However, we do consider that the current proposal will, like the other current applications (such as Moor Exchange and WPD), have an adverse impact upon the health of the district centre in the following ways:

- Direct loss of trade. We predict that the centre will lose around 10% of its comparison goods annual turnover and 3% of its convenience goods turnover. A clear contribution to this forecast is the overlap between the style of retail units (and goods sold) between the B&Q proposal and Exe Bridges element of the district centre. There is the possibility that the household survey being used for our impact assessment may have under-estimated parts of the district centre's turnover, and thus the actual proportionate impacts may be lower, although we still consider that the centre will experience a material loss of turnover.
- Potential loss of existing occupiers. Whilst the main part of the centre is unlikely to experience retailer relocations, Exe Bridges is more susceptible. Boots, Next, TK Maxx and Marks & Spencer all have the potential to relocate and have been associated with the nearby Moor Exchange scheme. Indeed, the PRA indicates that Boots, M&S and Next are sought by the applicant for the B&Q proposal. As noted in relation to the most recent Moor Exchange proposal, there are varying degrees of possibility that the B&Q proposal could result in store closures in the longer term (beyond the five year 'keep open' obligation being proposed by the applicant).
- Overall impact on the health of the district centre. The overall focus for the impact upon St Thomas district centre is on Exe Bridges which forms part of the defined centre. We consider that Exe Bridge will be the focus for the trade loss from the centre and also in relation to the possibility of store closures. Information on how this may affect the rest of the centre is not available as we do not know the propensity for linked trips between the two parts (which is similar to the situation experienced in 2015/2016) and therefore we do not have information to demonstrate that the scale of impact on Exe Bridge retail park is likely to have a significant adverse impact upon the district centre as a whole.

4. Summary and Conclusions

4.1 This advice report has been prepared by GVA for Exeter City Council in relation to the retail and town centre planning policy aspects of an outline planning application by British Land Retail Warehouses Ltd to redevelop the existing B&Q Warehouse store at Avocet Road for Class A1 and Class A3 retail floorspace and associated development.

4.2 Given that this application has been submitted in outline, there is the potential for a number of contrasting scenarios in terms of how the proposed retail floorspace may be provided across the site and the applicant has proposed a series of controls over the proposed floorspace:

- A total maximum gross floorspace of 14,076sq m.
- No more than 1,394sq m to be used for the sale of convenience goods.
- At least 3,800 square metres of the gross retail floorspace shall only be permitted to sell the following comparison goods:
 - DIY and gardening goods
 - Kitchens and bathrooms
 - Carpets and floor coverings
 - Lighting products
 - Household furniture, furnishings and textiles
 - Office furniture and supplies
 - Household goods and kitchenware
 - Electrical goods
 - Motor vehicle related goods
 - Marine accessories and chandlery
 - Camping and associated leisure goods
 - Pets and pet related goods
 - Hobbies, craft and toys
 - Sports and outdoor leisure pursuits clothing, footwear and equipment
 - Toiletries (but only where sold as ancillary goods and not exceeding a maximum of 50 square metres in total)
- A maximum of 8 retail units
- A minimum ground floor area for all units of 550sq m
- A maximum of 3 units shall have a gross ground floor area between 550sq m-650sq m
- No less than 2 retail units to have a gross ground floor area exceed 929sq m.
- A maximum of 790sq m to be used for Class A3 uses.

- Further to any approval of reserved matters to the planning permission, there shall be no subsequent subdivision of units without the prior approval of the local planning authority.
- There is a proposed commitment from the applicant to ensure that there will be no occupation by any retailer(s) with any defined 'town centre' across the city unless they commit to remain in that particular centre for at least 5 years post occupation.

4.3 It should be noted that this application is one of a number of other current applications for retail development on the eastern side of the Exeter urban area. For the avoidance of doubt, this advice report deals with the B&Q application only and separate advice will be provided by GVA to ECC in relation to the other proposals and cumulative impact issues. That said, this advice report does make reference to our recent advice on the Moor Exchange, WPD and Middlemoor proposals given that all these retail proposals share a number of common issues.

The sequential test

4.4 The distance between the application site in the nearest defined 'town centres' in ECC's formal centre hierarchy in its development plan means that the site should be classified as an out-of-centre location. Therefore, consideration should be given to whether there are any sequentially preferable in-centre, edge-of-centre, or more accessible and better connected⁵ out-of-centre sites or premises which can provide suitable and available alternatives for the proposed development (taking into account the need to demonstrate flexibility).

4.5 It has been established by ECC over recent years that the only sequentially preferable redevelopment site which has the potential to accommodate large scale retail and leisure development is the Bus and Coach Station ('BCS') site in Exeter city centre. This was the focus for the Inspector's and Secretary of State's examination of the sequential test for the original Moor Exchange public inquiry in late 2015 (and the Secretary of State's decision in 2016) and has remained our focus for the more recent assessment of the new Moor Exchange proposal and also the current WPD and Middlemoor proposals. We have re-assessed the BCS site in terms of its suitability and availability to accommodate the B&Q proposal, as we have also done for the Moor Exchange, WPD and Middlemoor proposals, and our assessment finds a number of factors have not materially changed since the 2015 public inquiry and the June 2016 Secretary of State decision.

4.6 These include the development plan strategy towards the site and the physical condition of the site. However, there have been some material changes including the abandonment of the redevelopment scheme promoted by the Crown Estate which is related to changes in market conditions. In addition, as a consequence of the abandonment of the redevelopment scheme (based upon the outline planning permission) ECC will now assess its options with regards to the BCS site going forward and there is a possibility for a change in approach for the land use mix. As a consequence, we consider that it reasonable to remain of the view that the majority of the BCS site considered as part of the previous proposal remains available but there is now much less certainty over it being a suitable alternative for large scale retail development proposals such as the current proposal at the B&Q site.

⁵ In relation to defined 'town centres'

4.7 Also relevant to the issue of suitability is the content of the B&Q scheme. The applicant has proposed that up to 1,394sq m can be used in association with convenience goods sales. This suggests no real difference from the content of the 2015/2016 Moor Exchange proposals which were considered to fail the sequential test.

Impact

4.8 Given the location of the application site and the scale of the proposed retail floorspace, there is also a need to consider whether the proposal is likely to have a significant adverse impact upon the health of, or investment within, defined 'town centres' in the local area.

4.9 In relation to the 'impact on investment' test, there is no evidence / analysis to suggest that the B&Q proposal is likely to have a significant adverse impact upon investment on the BCS site. Indeed, even when there was a 'live' redevelopment scheme at the BCS site, the Secretary of State concluded that the prospect of a significant adverse impact from the 2015 Moor Exchange proposal was not likely. Given that the Crown Estate scheme, which was the focus for the previous assessment, has now been abandoned, we consider that it would be unreasonable to suggest that the risk of a likely significant adverse impact remains.

4.10 In relation to the 'impact of town centre health' test we have examined the applicant's financial impact analysis, undertaken our own analysis, and also considered the wider effect of the B&Q proposal. Our own financial impact analysis is contained at Appendix I to this advice report and Table 2a outlines the following convenience goods expenditure/turnover impacts:

- A 1.3% impact on the convenience goods sector in the city centre (rising to 2.2% when commitments are taken into account);
- A 1.7% impact upon foodstores in Heavitree district centre (rising to 3.6% when commitments are taken into account; and
- A 2% impact upon foodstores at St Thomas district centre (influenced primarily by the impact on the M&S Foodhall) (rising to 2.6% when commitments are taken into account).

4.11 The comparison goods diversion forecasts are shown in Table 3a and suggest a 3.8% impact upon the city centre's comparison goods turnover (based upon a diversion of £13.83m) and a 14% impact upon St Thomas district centre (influenced primarily by the impact upon stores in the Exe Bridges part of the district centre. The cumulative impact upon the city centre's comparison goods section is slightly higher at 4.9%.

4.12 In relation to the city centre, we consider that the likely impacts associated with the comparison goods floorspace element of the B&Q proposal will be the highest of all the current out of centre retail proposals in the city, although the convenience goods impacts may be slightly lower than the WPD and Moor Exchange schemes. Overall, the B&Q scheme is likely to have the highest impacts on town centre health, due to the scale of retail floorspace and the general lack of controls over the range of comparison goods to be sold, although we do not consider that, on its own, the B&Q scheme is likely to have a significant adverse impact upon the city centre. This is of course a negative aspect of the proposal and, as advised by the NPPG, the positive and negative effects should be considered alongside other material considerations in the overall

planning balance. In relation to the impact of the proposal on the health of the city centre, we consider that the following should be taken into account:

- The direct financial impact of the proposal on the city centre's convenience and comparison goods sectors does not suggest a likely significant adverse impact but should be considered as a minor adverse impact.
- The proposal will provide a rival shopping destination for the city centre, as also observed in relation to the Moor Exchange proposals, as it could provide an opportunity for an additional store for existing city centre retailers. Clearly, the proposal is not of a similar scale to the city centre but could lead to a reduced need to visit the city centre for some convenience and comparison goods shopping trips. This should also be considered as a minor adverse impact associated with the proposal.
- Finally, we cannot rule out the potential for retailer relocations from the city centre to the B&Q site. The number of relocations which could take place is, of course, limited by the scale of the proposal, and the strength of the city centre as a trading destination may also dampen the possibility of closures. However, it is nevertheless a potential characteristic of the proposal which should be taken into account. To try and counter this potential, the applicant has offered an obligation which would force any existing retailer in any defined centre across the city, who wished to open a store in the B&Q development, to keep open their existing 'town centre' store for at least five years. This would provide only short term mitigation and, in the longer term, there would be the potential for retailer relocations from existing 'town centres', particularly the city centre and St Thomas district centre, to the proposed development.

4.13 Like the Moor Exchange and other current retail proposals, there is also a need to consider the impact on the health of St Thomas district centre. On this issue, we consider that there are no apparent material differences between the circumstances surrounding the district centre between the time of the Moor Exchange appeal in 2015/2016 and the present time. As a consequence, and in the interests of consistency in decision making, there is no reason for ECC to change its approach in relation to St Thomas district centre. However, we do consider that the B&Q proposal will, like other current proposals, have an adverse impact upon the health of the district centre in the following ways:

- Direct loss of trade. We predict that the centre will lose around 14% of its comparison goods annual turnover and 2% of its convenience goods turnover. A clear contribution to this forecast is the overlap between the style of retail units (and goods sold) between the B&Q scheme and Exe Bridges element of the district centre. There is the possibility that the household survey being used for our impact assessment may have under-estimated parts of the district centre's turnover, and thus the actual proportionate impacts may be lower, although we still consider that the centre will experience a material loss of turnover.
- Potential loss of existing occupiers. Whilst the main part of the centre is unlikely to experience retailer relocations, Exe Bridges is more susceptible. Boots, Next, TK Maxx and Marks & Spencer all have the potential to relocate and have been associated with the nearby Moor Exchange scheme. Indeed, a number of these are named in the retail impact assessment for the B&Q proposal. As noted in relation to the most recent Moor Exchange proposal, there are varying degrees of possibility that Moor Exchange could result in store closures in the short term, following the expiry leases and at lease breaks.

- Overall impact on the health of the district centre. The overall focus for the impact upon St Thomas district centre is on Exe Bridges which forms part of the defined centre. We consider that Exe Bridge will be the focus for the trade loss from the centre and also in relation to the possibility of store closures. Information on how this may affect the rest of the centre is not available as we do not know the propensity for linked trips between the two parts (which is similar to the situation experienced in 2015/2016) and therefore we do not have information to demonstrate that the scale of impact on Exe Bridge retail park is likely to have a significant adverse impact upon the district centre as a whole.

Appendix I

Impact Assessment

TABLE 1a: INDICATE TURNOVER OF B&Q PROPOSAL

	NET SALES AREA (sq m)	COMPARISON FLOORSPACE	CONVENIENCE FLOORSPACE	COMPARISON SALES DENSITY (£/sq m)	CONVENIENCE SALES DENSITY (£/sq m)	COMPARISON GOODS TURNOVER (£m)	CONVENIENCE GOODS TURNOVER (£m)
Total						£40.9	£11.1

Notes:

Turnover taken from applicant's impact assessment.

TABLE 2a: CONVENIENCE GOODS IMPACT OF B&Q, 2021

STORE / CENTRE	PRE-IMPACT 2021 TURNOVER (£m)	DIVERSION TO COMMITMENTS (£m)	RESIDUAL TURNOVER (£m)	IMPACT OF COMMITMENTS (%)	DIVERSION TO B&Q (£m)	RESIDUAL TURNOVER (£m)	SOLUS IMPACT (%)	CUMULATIVE IMPACT (%)
Exeter City Centre								
Marks & Spencer, High Street, Exeter	£7.3	£0.1	£7.3	-0.7%	£0.33	£6.9	-4.6%	-5.2%
Sainsbury's, Guildhall Shopping Centre	£20.5	£0.1	£20.4	-0.5%	£0.22	£20.2	-1.1%	-1.6%
Other - Exeter City Centre	£33.8	£0.4	£33.4	-1.2%	£0.22	£33.1	-0.7%	-1.8%
Sub-total	£61.6	£0.6	£61.1	-0.9%	£0.8	£60.3	-1.3%	-2.2%
Heavitree district centre	£2.6	£0.1	£2.5	-1.9%	£0.04	£2.5	-1.7%	-3.6%
St Thomas district centre								
Co-op, Cowick Street, Exeter	£5.6	£0.1	£5.5	-0.9%	£0.00	£5.5	0.0%	-0.9%
M&S Simply Food, Albany Road, Exeter	£3.1	£0.0	£3.1	0.0%	£0.33	£2.7	-10.8%	-10.8%
Tesco Express, Cowick Street, Exeter	£6.5	£0.1	£6.4	-0.8%	£0.00	£6.4	0.0%	-0.8%
St Thomas District Centre	£1.2	£0.0	£1.2	0.0%	£0.00	£1.2	0.0%	0.0%
Sub-total	£16.4	£0.1	£16.3	-0.6%	£0.3	£15.9	-2.0%	-2.6%
Topsham district centre								
Co-op, Fore Street, Topsham	£2.7	£0.4	£2.3	-14.9%	£0.00	£2.3	0.0%	-14.9%
Topsham District Centre	£2.0	£0.3	£1.8	-12.5%	£0.00	£1.8	0.0%	-12.5%
Sub-total	£4.7	£0.7	£4.0	-13.8%	£0.0	£4.0	0.0%	-13.8%
Sidwell Street / Blackboy Road	£0.7	£0.0	£0.7	0.0%	£0.00	£0.7	0.0%	0.0%
Mount Pleasant	£0.0	£0.0	£0.0	0.0%	£0.00	£0.0	0.0%	0.0%
Magdalen Road	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Countess Wear (Topsham Road)	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Countess Wear (Glass House Lane)	£0.6	£0.0	£0.6	0.0%	£0.00	£0.6	0.0%	0.0%
Beacon Lane	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Polsloe Bridge	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Pinhoe	£1.4	£0.0	£1.4	0.0%	£0.00	£1.4	0.0%	0.0%
Whipton	£1.9	£0.0	£1.9	0.0%	£0.00	£1.9	0.0%	0.0%
Exwick Road / Winchester Avenue	£0.2	£0.0	£0.2	0.0%	£0.00	£0.2	0.0%	0.0%
Isleworth Road	£0.0	£0.0	£0.0	0.0%	£0.00	£0.0	0.0%	0.0%
Exeter out-of-centre stores								
Aldi, Alphington Road, Exeter	£30.0	£1.2	£28.8	-4.0%	£0.44	£28.4	-1.5%	-5.5%
Aldi, Exhibition Way, Pinhoe	£20.9	£0.6	£20.3	-2.9%	£1.00	£19.3	-4.9%	-7.7%
Aldi, Topsham	£6.8	£0.0	£6.8	0.0%	£0.17	£6.6	-2.4%	-2.4%
Lidl, Burnthouse Lane, Exeter	£11.6	£1.3	£10.8	-6.9%	£0.67	£10.2	-6.1%	-12.6%
Lidl, Powlesland Road, Exeter	£8.5	£0.8	£7.7	-9.1%	£0.11	£7.6	-1.4%	-10.4%
Morrisons, Prince Charles Road, Exeter	£31.8	£0.7	£31.1	-2.1%	£1.00	£30.1	-3.2%	-5.3%
Sainsbury's, Alphington Road, Exeter	£40.5	£0.9	£39.6	-2.2%	£0.61	£39.0	-1.5%	-3.7%
Sainsbury's, Pinhoe	£47.3	£0.4	£46.9	-0.8%	£2.52	£44.4	-5.4%	-6.2%
Tesco Extra, Russell Way	£40.9	£2.6	£38.2	-6.4%	£2.05	£36.2	-5.4%	-11.4%
Waitrose, Gladstone Road, Exeter	£23.1	£0.4	£22.7	-1.7%	£1.22	£21.5	-5.4%	-7.0%
Iceland, Alphington Road, Exeter	£2.3	£0.0	£2.3	0.0%	£0.00	£2.3	0.0%	0.0%
Other	£3.6	£0.1	£3.5	-1.4%	£0.04	£3.5	-1.3%	-2.7%
Other	£1,054.0	£0.0	£1,054.0		£0.11			

Notes:
Pre-impact 2021 turnover taken from EWEEED study.

TABLE 3a: COMPARISON GOODS IMPACT OF B&Q, 2021

STORE / CENTRE	PRE-IMPACT 2021 TURNOVER (£m)	DIVERSION TO COMMITMENTS (£m)	RESIDUAL TURNOVER (£m)	IMPACT OF COMMITMENTS (%)	DIVERSION TO B&Q (£m)	RESIDUAL TURNOVER (£m)	SOLUS IMPACT (%)	CUMULATIVE IMPACT (%)
Exeter City Centre	£865.2	£9.7	£855.5	-1.1%	£32.31	£823.18	-3.8%	-4.9%
Heavitree district centre	£5.3	£0.0	£5.3	0.0%	£0.00	£5.28	0.0%	0.0%
St Thomas district centre	£8.7	£0.0	£8.7	0.0%	£1.23	£7.45	-14.1%	-14.1%
Topsham district centre	£6.8	£0.0	£6.8	0.0%	£0.00	£6.79	0.0%	0.0%
Sidwell Street / Blackboy Road	£2.4	£0.0	£2.4	0.0%	£0.00	£2.40	0.0%	0.0%
Mount Pleasant	£3.4	£0.0	£3.4	0.0%	£0.00	£3.40	0.0%	0.0%
Magdalen Road	£0.3	£0.0	£0.3	0.0%	£0.00	£0.31	0.0%	0.0%
Countess Wear (Topsham Road)	£0.8	£0.0	£0.8	0.0%	£0.00	£0.76	0.0%	0.0%
Beacon Lane	£0.2	£0.0	£0.2	0.0%	£0.00	£0.17	0.0%	0.0%
Polsloe Bridge	£0.1	£0.0	£0.1	0.0%	£0.00	£0.07	0.0%	0.0%
Pinhoe	£12.0	£0.0	£12.0	0.0%	£0.00	£12.03	0.0%	0.0%
Whipton	£3.4	£0.0	£3.4	0.0%	£0.00	£3.41	0.0%	0.0%
Exwick Road / Winchester Avenue	£0.3	£0.0	£0.3	0.0%	£0.00	£0.31	0.0%	0.0%
Isleworth Road	£0.0	£0.0	£0.0	0.0%	£0.00	£0.00	0.0%	0.0%
Rydon Lane	£27.3	£1.0	£26.3	-3.5%	£1.64	£24.69	-6.2%	-9.5%
Alphington	£12.7	£0.7	£12.0	-5.4%	£1.64	£10.37	-13.6%	-18.3%
Marsh Barton	£49.4	£4.0	£45.4	-8.2%	£0.00	£45.35	0.0%	-8.2%
Sowton	£72.6	£4.4	£68.1	-6.1%	£2.05	£66.09	-3.0%	-8.9%
Other	£7.1	£0.0	£7.1	0.0%	£0.00	£7.06	0.0%	0.0%
Ikea	£48.0	£0.1	£48.0	0.0%	£0.82	£47.18	-1.7%	-1.7%
Other	£1,109.9	£29.9	£1,080.0	-2.7%	£1.23	£1,078.77	-0.1%	-2.8%

Notes:
Pre-impact 2021 turnover taken from EWEEED study.

Appendix II

Suggested controls over the proposed retail floorspace

From: [Adrian Fox](#)
To: [Morris, Matthew \(Avison Young - UK\)](#)
Subject: RE: Exeter
Date: 25 February 2019 09:33:41

Hi Matt,

Please see below suggested conditions. However, happy to discuss any proposed changes in wording.

Kind regards,

Adrian

Suggested Conditions

1. *The total gross floor area of the development hereby permitted shall comprise a maximum gross floor area of 14,866 sq m (including mezzanine floors) limited as follows:*

- a. *Gross retail floorspace of retail (Class A1) shall not exceed 14,076 square metres, of which:*
 - i. *no more than 1,394 square metres hereby permitted shall be for the sale of convenience goods; and*
 - ii. *at least 3,800 square metres of the gross retail floorspace shall only be permitted to sell the following comparison goods:*
 - *DIY and gardening goods*
 - *Kitchens and bathrooms*
 - *Carpets and floor coverings*
 - *Lighting products*
 - *Household furniture, furnishings and textiles*
 - *Office furniture and supplies*
 - *Household goods and kitchenware*
 - *Electrical goods*
 - *Motor vehicle related goods*
 - *Marine accessories and chandlery*
 - *Camping and associated leisure goods*
 - *Pets and pet related goods*
 - *Hobbies, craft and toys*
 - *Sports and outdoor leisure pursuits clothing, footwear and equipment*
 - *Toiletries (but only where sold as ancillary goods and not exceeding a maximum of 50 square metres in total)*
- b. *A maximum of 8no. separate retail units*
- c. *No Class retail units shall have a ground floor gross internal area of less than 550 square metres*
- d. *A maximum of 3no. shall have a gross internal ground floor area of between 550 and 650 square metres*
- e. *No less than 2no. retail units shall have a gross internal ground floor area exceeding 929 square metres*
- f. *A maximum of 790 square metres hereby permitted will be for Class A3 use*

2. *Unless otherwise agreed in writing by the Local Planning Authority, none of the approved A1 retail floorspace shall be occupied by any retailer who at the date of occupation, or within a period of 12 months immediately prior to occupation, occupies A1 retail floorspace within the City Centre or any of the District or Local Centres as defined on the Exeter Local Plan First Review Proposals Map, or any subsequent development plan document defining the city, district and local centre hierarchy, unless a scheme which commits the retailer to retaining their presence as a retailer within that Centre, for a minimum period of 5 years following the date of their occupation of A1 retail floorspace within the development, or until such time as they cease to occupy A1 retail floorspace within the development, whichever is sooner, has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be carried out as approved.*

3. *Further to any approval of reserved matters pursuant to this planning permission, there shall be no subsequent sub-division of units without the prior approval in writing of the Local Planning Authority.*

Adrian Fox
Associate

Agenda Item 6

COMMITTEE DATE: 22/07/2019

APPLICATION NO: 18/1007/OUT
APPLICANT Hammerson (Exeter II) Limited and The Devon & Cornwall Police and Crime Commissioner
PROPOSAL: Demolition of existing buildings and construction of a mixed use development comprising Class A1 retail units; Class A1/A3/A5 food and drink units with drive through facilities; Class D2 health & fitness use; management office, customer toilet facilities, and associated access, parking, and landscaping.
LOCATION: Police Headquarters, Devon And Cornwall Constabulary Police Training College, Alderson Drive, Exeter, Devon EX2 7HQ
REGISTRATION DATE: 02/07/2018
EXPIRY DATE:

JULY 2019 UPDATE

Since this application was deferred at the 01/10/2018 Planning Committee in order to provide time to the applicants to try and resolve the Local Highway Authority's objection to the proposed access arrangements to the site, officers have continued dialogue with the Police Authority and encouraged the submission of revised access proposals as soon as possible. However, to date no revisions have been submitted. Therefore, the application is being brought back to committee to be determined at the same time as the other three major out-of-centre retail applications along the Honiton Road corridor. It was decided not to include the proposal in any cumulative retail impact assessment until a new access proposal for the scheme had been submitted. Therefore it was not included in the cumulative retail impact assessment carried out by the Council's retail consultant, Avison Young, in May 2019.

In addition, Stagecoach has recently confirmed that a contribution to replace only one bus on the 4/4A/4B route to Euro VI standard will not be practical. Therefore, Reason 3 should be changed to:

3. In the absence of a satisfactory access scheme for the proposal, it cannot be established whether satisfactory air quality mitigation would be provided to mitigate the impact of the proposal on air quality within the Air Quality Management Area (AQMA), particularly at East Wonford Hill where pollution levels are exceeding the objective level at residential properties. Therefore the application contravenes Policy CP11 of the Core Strategy, saved Policy EN3 of the Exeter Local Plan First Review and paragraph 181 of the NPPF.

Furthermore, should the Moor Exchange (ref. 18/1330/OUT) application be approved, the following Reasons should be added:

4. A cumulative retail impact assessment has not been carried out to confirm that the proposal in combination with the proposal submitted under application number 18/1330/OUT ('Moor Exchange') would not have significant adverse cumulative impacts on the vitality and viability of, and existing investment in, Exeter City Centre and St

Thomas District Centre, contrary to Policy CP8 of the Core Strategy, saved Policy S1 of the Exeter Local Plan First Review and paragraph 90 of the NPPF.

5. A cumulative transport impact assessment has not been carried out to confirm that the proposal in combination with the proposal submitted under application number 18/1330/OUT ('Moor Exchange') would not have a severe impact on the local highway network contrary to paragraphs 108 and 109 of the NPPF.
6. A cumulative air quality impact assessment has not been carried out to confirm that the proposal in combination with the proposal submitted under application number 18/1330/OUT ('Moor Exchange') with or without mitigation would not harm air quality within the Air Quality Management Area (AQMA) contrary to Policy CP11 of the Core Strategy, saved Policy EN3 of the Exeter Local Plan First Review and paragraph 181 of the NPPF.

ORIGINAL OCTOBER 2018 REPORT

HISTORY OF SITE

13/4067/OUT	Outline planning application (with all matters reserved except for access) for two residential areas (referred to as 'Area A' and 'Area B') to provide a combined provision for up to 92 residential units. Area A is located in the north-western part of the Middlemoor site whereas Area B is located in the central part (to the south of the proposed supermarket).	PER	14.01.2015
13/4073/FUL	Full planning application for a Criminal Justice Centre and Police Hub in the south of the site and a Class A1 Supermarket (extending to 6,789 sqm with associated petrol filling station and customer car parking for 418 cars) in the north-east of the site.	PER	23.12.2014
16/0088/N-MA	Non-material amendment to replace condition 16 with alternative conditions providing clarity on the minimum BREEAM standards to be achieved in respect of this development, with particular reference to a revised standard in respect of the supermarket buildings in line with the obligations contained in the Deed of Variation of the Section 106 Agreement made between the Council and the Police and Crime Commissioner for Devon and Cornwall (dated 5th November 2015). (Non-material amendment to Planning Permission Reference No. 13/4073/03 granted on 23rd December 2014).	PER	04.02.2016
18/0648/SO	Screening opinion	Pending	
18/0651/NMA	Amendment to approved consent in respect of the Criminal Justice Centre and Police Hub comprising minor changes relating to the following: - alignment of internal access road, external ground levels/landscaping, internal vehicular access arrangements and parking layout (Both vehicular and cycle), building footprint, finished floor levels and overall building height, secure compound to	PER	10.05.2018

custody building, plant buildings/arrangements, materials/external appearance/design of building, and design of external areas. (Non-Material Minor Amendment to planning permission 13/4073/03 granted 23rd December 2014).

DESCRIPTION OF SITE/PROPOSAL

The site comprises part of a playing field and adjoining buildings/hardstanding at Devon and Cornwall Police Headquarters, Middlemoor. The site is in St Loyes ward. It includes highway land to the north and west, including the Wilton Way roundabout on Honiton Road to the north. The site is bounded by housing to the north, the Exeter to Exmouth railway line ('Avocet Line') to the east, the Police Headquarters including new Criminal Justice Centre under construction to the south, and the Police Training College to the west. The site area is 4.54ha. The area of playing field land is approximately 2.3ha.

The site is undesignated in the development plan, with the exception that Honiton Road, Hill Barton Road and the A3015 link between them are proposed cycle routes. There are no above ground heritage assets either on the site or in the vicinity of the site. The site is in Flood Zone 1. The Air Quality Management Area covering Honiton Road and the Middlemoor roundabout is a short distance away to the west/southwest.

The proposal is to demolish the buildings on the site and develop a retail park, with new vehicular access off Wilton Way roundabout to the north. The access is in the same position as the extant planning consent for a supermarket. The access will lead to a car park with 417 parking spaces (33 for disabled users and 6 electric vehicle charging points). 76 cycle parking spaces are proposed (40 staff and 36 customer). A large warehouse building split into 8 retail units will be built adjoining the car park to the east, which will have a service yard behind adjacent to the railway line. Three smaller units will be built to the north, which will be used as restaurants with drive-through facilities. A gym will be provided above one of the retail units at first floor level. The application includes the ability to install up to 50% mezzanine cover across the other retail units. A small Management Suite building will be built in the car park, which will include customer toilets. The total floorspace of the application is 14,103 sq m (GIA) (8,883 sq m (GIA) ground / 5,220 sq m (GIA) first floor/mezzanine). The entrance to the site either side of the access will be landscaped with a variety of plants and shrubs. A fence will be constructed along the south and west boundaries with a beech hedge planted adjacent to it. A few planting areas will be provided in the car park.

While the application has been running, the applicants have proposed the following conditions to control the use of the retail floorspace:

Use of Units RT1 – RT8

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or of any replacement Order, Units RT1 – RT8 as identified on Plan URB SA 08 00 03 D02 shall be used for Class A1 purposes only.

Units RT1 – RT8 Sales Area

The total net sales area of Units RT1 – RT8 as identified on Plan URB SA 08 00 03 D02 shall not exceed 9,594 square metres,

Class A1 Food use in RT1 – RT8

Units RT1 – RT8 as identified on Plan URB SA 08 00 03 D02 shall not be used for the sale of food except that the sale of food is permitted as follows:

- the sale of food in up to 15% of the floorspace in one unit, and, in addition
- 1 unit, not exceeding 1,951sqm gross internal area, may be used predominantly for the sale of food within Class A1; and
- the sale of pet food; and
- the sale of confectionery where sold as ancillary goods;

Class A1 Non Food use in RT1 – RT8 and P3

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or of any replacement Order, Units RT1 – RT8 as identified on Plan URB SA 08 00 03 D02 shall not be used for the sale of any Non Food goods other than those in the following categories:

- i. Do-It-Yourself goods and garden centre goods, including related building materials, tools and equipment;
- ii. Kitchens and bathrooms;
- iii. Carpets, wall and floor coverings;
- iv. Lighting products;
- v. Household furniture, furnishings and textiles;
- vi. Office furniture and supplies;
- vii. Household goods and kitchenware;
- viii. Electrical goods;
- ix. Motor vehicle related goods and bicycles and related goods;
- x. Marine accessories and chandlery;
- xi. Camping and associated leisure goods;
- xii. Pets and pet related products;
- xiii. Hobbies, crafts and toys (in no more than one unit; or where sold as ancillary goods)
- xiv. Sports and outdoor leisure pursuits clothing, footwear and equipment (in no more than one unit; or where sold as ancillary goods) and
- xv. Toiletries (only where sold as ancillary goods and not exceeding a maximum of 50sqm in total).

Unit Size/Subdivision

Unless otherwise agreed in writing by the Local Planning Authority, units RT1 – RT8 and P1, P2, P3 identified on Plan URB SA 08 00 03 D02 shall not be subdivided.

Use of Units P1, P2 and P3

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or of any replacement Order, Units P1, P2 and P3 as identified on Plan URB SA 08 00 03 D02 shall be used for Class A3 purposes only.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Planning Statement (Burnett Planning, June 2018)
- Retail & Leisure Assessment (Burnett Planning, June 2018)
- Design and Access Statement (Urban Edge, June 2018)

- Statement of Community Involvement (SCI) (Camargue, June 2018)
- Transport Assessment (WSP, June 2018)
- Framework Travel Plan (WSP, June 2018)
- Arboricultural Constraints Report (ACR) / Arboricultural Impact Assessment (AIA) / Arboricultural Method Statement (AMS) (Greenman Environmental Management, June 2018)
- Preliminary Ecological Appraisal (WSP, June 2018)
- Air Quality Assessment Revision 6 (Hoare Lea, 29 June 2018)
- Lighting Strategy Report (WSP, June 2018)
- Noise Assessment Report (WSP, June 2018)
- NPPF Flood Risk Assessment (WSP, June 2018)
- Sustainability Energy Strategy Revision 03 (Hoare Lea, 22 June 2018)
- Sustainability BREEAM 2014 New Construction Pre-Assessment Report Revision 05 (Hoare Lea, 22.06.2018)
- Utility and Energy Infrastructure Utility Infrastructure Strategy Revision 03 (Hoare Lea, 29 June 2018)
- Waste Audit Statement (WSP, June 2018)

Additional Information Submitted During Application

- Preliminary Geo-Environmental Risk Assessment (WSP, June 2018)
- Letter re Sport England consultation (Burnett Planning, 24.07.2018)
- Waste Audit Statement Revision 3 (WSP, July 2018)
- Middlemoor Retail Park, Exeter – Retail Use – Proposed Planning Conditions (18/1007/FUL) (Burnett Planning, 16.08.2018)
- Addendum to Air Quality Assessment (Hoare Lea)
- Letter re Sport England objection (Burnett Planning, 11.09.2018)
- Middlemoor Retail Park, Exeter – Retail Use – Proposed Planning Conditions (18/1007/FUL) – Revised V2 (Burnett Planning, 11.09.2018)
- NPPF Flood Risk Assessment Rev 3 (WSP, August 2018)

REPRESENTATIONS

13 objections have been received. The following issues have been raised:

- “Clone” development / lacks individuality.
- Traffic plan does not go far enough; current roundabout is already dangerous / numerous accidents; plan needs to go further to alleviate dangers and cope with additional traffic generated; planned roundabout provides no deflection of traffic along Honiton Road coming from City Centre.
- Current roundabout design is not fit for purpose in terms of reducing speed and does not meet current design standards – proposal does nothing to alleviate this, as doesn’t provide deflection of traffic for vehicles travelling along Honiton Road; there have already been a high number of accidents; it is extremely difficult to exit Wilton Way.
- Impact on City Centre of four out of town retail parks in close proximity.
- This part of Exeter does not need more large retail units.
- Access should not be on roundabout.
- Difficult to egress Wilton Way.
- Cars from motorway approach roundabout too fast.
- Roundabout should be redesigned to give better and safer access to cars from Wilton Way.
- Will make dangerous roundabout more treacherous.

- Traffic lights may improve safety of roundabout.
- More rubbish, congestion and pollution.
- Existing shops struggling – don't need more shops / takeaways.
- Roundabout is unsafe for pedestrians and cyclists – roundabout needs to be made off set and bigger to slow traffic. Pedestrian crossings should be provided.
- Existing roundabout configuration is very dangerous with fast traffic from the M5 and city centre; times in morning rush hour the volume of traffic means can wait five minutes to leave Wilton Way; more needs to be done with the design to slow traffic, e.g. shift centre of roundabout to increase curvature and peak time traffic lights.
- Hatched area of roundabout does nothing to deter vehicles from using it; exit from Wilton Way entails crossing two lanes of traffic making it more dangerous; no longer have designated lane into Wilton Way from Honiton Road (from city centre) meaning wait to enter is even longer; application is an opportunity to improve roundabout.
- Similar retail parks nearby – proposal unnecessary; fast food outlets will increase litter, could cause anti-social behaviour and deepens obesity crisis in country.
- Two other retail park applications – if all granted planning permission traffic will become extremely congested and will impact city centre.
- Will exacerbate traffic congestion problem in peak times; three other retail park applications – this is the least appropriate location; residential development would be more appropriate.
- Numerous accidents/near misses on roundabout, although these are not reported; lane into Wilton Way omitted in proposals; provisions for cyclists to cross roundabout?
- Impact on air quality and insufficient mitigation – does not account for other major developments under consideration.
- TA does not account for increase in flows on local highways due to this application and the others, nor linked trips to competing developments such as IKEA; most frequent bus service (Green P&R) from stop that exceeds 400m maximum walk distance.
- Does not integrate sympathetically with existing residential development; lacks distinct identity.
- Removal of trees before submission disappointing and provides little or no visual buffer to residential areas opposite; lack of trees will increase light pollution directed towards residential properties – 24 hour operation of food and drink outlets would maintain amenity impacts throughout the night.
- 'Bulky goods' can be sold from vacant units in the city centre; flexibility beyond bulky goods could result in a different retail mix, which would threaten the city centre; cumulative retail impacts should be considered.

CONSULTATIONS

Highways England: Initially recommended that planning permission is not granted for 3 months to allow the applicant time to provide further assessment of the traffic impact at Moor Lane Roundabout and M5 J29. Subsequently recommended the following condition should planning permission be granted:

Condition: the A1 food retail floor space of the development hereby permitted shall not exceed 1,951sqm, as per the Schedule to Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes)) (Amendment)(England) Order 2005 or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: in the interest of the safe and efficient operation of the strategic road network.

Local Highway Authority (DCC): Objects – Recommends refusal for the following reasons:

1. The road giving access to the proposal (a 5-arm roundabout) by reason of its capacity and absence of any Road Safety Audit does not form a safe and suitable access to the site for all users, contrary to paragraphs 108 and 109 of the NPPF.
2. The access points to the proposal by reason of its inadequate pedestrian/cycling facilities and absence of any Road Safety Audit does not form a safe and suitable access to the site for all users, contrary to paragraphs 108 & 109 of the NPPF, Aim 4.1 of the Monkerton & Hill Barton Masterplan and Policy CP19 of the ECC Core Strategy.

Summary

The primary vehicular access point (the additional arm onto the Wilton Way Roundabout) is a fundamental concern. The highway authority has yet to see any conclusive evidence that the proposed roundabout can satisfactorily work in terms of its capacity (ARCADY assessments) nor its safety (No Safety Audit). The county has experience of difficulties with similar developments elsewhere in Exeter and consequently has re-examined the principle of a 5-arm roundabout in this location and the cumulative effects are classed as severe.

In addition to this, the applicant has yet to provide sufficient information regarding walking and cycling access points both leading to the proposed retail scheme and at the primary vehicular access point. With the current access arrangements in mind, a refusal is recommended.

Were the Local Planning Authority to approve the submitted application, against my recommendation, I would request to be re-consulted on suitable conditions (such as an alternative vehicular access points and walking/cycling infrastructure / crossing points etc.) and/or contributions to attach to any permission. Comments made informally (sent to the LPA) and discussions held with the applicant should be taken into account.

Natural England: No comments to make – refer to Standing Advice.

Sport England: Objects – The application site is playing field land with historical use for the sport of cricket and currently for youth football. The applicant refers to a replacement site for the playing pitches, but it is our assessment that this is land already being used as playing fields. Therefore there is no 'replacement' playing field land. Re paragraph 96 of the NPPF and Sport England policy, it has not been demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment and that the site is surplus to requirements. The proposal does not meet one of the five exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF.

The Football Foundation on behalf of the FA object to this proposal owing to the following reasons:

- There is no assessment that demonstrates an excess of playing fields in the catchment area.
- The site has a special significance for football.

- The replacement playing field is not equivalent or better in terms of quantity, quality and accessibility – is this a playing field that already exists?

The England & Wales Cricket Board (ECB) advise that the site in the past was used for cricket by the Devon & Cornwall police team. The supply of grass pitches in the Exeter boundary is a challenge and without a robust assessment, sites for cricket are something that we would not wish to lose.

Lead Local Flood Authority (DCC): Initially objected, as the assessment did not comply with current guidance. Withdrew objection following submission of revised Flood Risk Assessment, subject to following conditions:

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.
Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
Advice: Refer to Devon County Council's Sustainable Drainage Guidance.
- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Proposed Mixed Use Development, Land At Devon and Cornwall Police Headquarters, Middlemoor, Honiton Road, Exeter, NPPF Flood Risk Assessment; dated August 2018 Rev 3
Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Exeter Airport: Initially objected due to bird attracting trees and shrubs, and the absence of this issue in the Waste Audit Statement. Withdrew objection following the submission of revised landscaping plans and Waste Audit Statement. Requested wildlife control plan to be implemented if there are issue with birds in the future.

Network Rail: No objection in principle. Asset protection comments provided re demolition, fencing, drainage, safety, site layout, piling, excavations/earthworks, signalling, noise, landscaping, plant, scaffolding and cranes, lighting, safety barrier and tree removal. These requirements should be added as planning conditions if not addressed in the supporting documentation submitted with the application.

South West Water: No objection or comment.

RSPB: Recommend conditions to secure the following measures in the Preliminary Ecological Appraisal:

- Works take place outside bird breeding season, unless overseen by ecologist.

- Species-rich native planting in landscape plans.
- Incorporate invertebrate hotels.
- Internal bat/bird boxes.

Devon & Somerset Fire & Rescue Service: Will make detailed comments at building regulations stage. Without prejudice, drawings appear to satisfy the criteria required for access under the building regulations. No objection.

East Devon District Council: Objects – Request any consent is conditioned to prevent future impacts of bulky goods retail uses on town centre proposals at Cranbrook. The proposed food store is smaller than the consented supermarket, so arguments that it would be in excess of that which could be accommodated within Cranbrook town centre are no longer relevant. This store should be provided in Cranbrook town centre as a more sequentially preferable location. Do not accept that Cranbrook town centre is not a town centre as retail and leisure assessment suggests. This issue will be addressed through the Cranbrook Plan, which is due for publication later this year. Cranbrook town centre is a sequentially preferable location particularly for the food store element. The development is likely to have a significant detrimental impact on Cranbrook town centre contrary to national planning guidance.

Exeter Chamber of Commerce & Industry: No response.

Exeter Cycling Campaign: Objects – Negative impact on road safety – evidence of multiple collisions in vicinity between Jan 2013 and Dec 2017, with seven collisions close to the entrance of the site. Will increase traffic on roads that are already heavily congested. Lack of cycling infrastructure in locality. Negative impact on air quality. Non-compliance with Core Strategy Policies CP1, CP8 and NPPF – impact on city centre. Poor quality access and failure to consider pedestrian and cycle movements in wider area. Whilst there are some cycle links, the site is not well catered for in terms of cycle access. Links to/from the direction of the city centre are particularly poor, as is accessing Honiton Road in either direction with no direct routes to the east or west without significant detours. People are highly likely to drive to the retail park, even for short distances, given the lack of safe and attractive cycle routes and the offer of free car parking. Non-compliance with Core Strategy Policy CP9 and Policy T3 of the Exeter Local Plan – the proposed development is car-centric that will encourage car driving. It will degrade facilities for pedestrians and cyclists by contribution to the already hostile environment on and around Honiton Road.

Met Office: No comments or objections.

Designing Out Crime Officer (Devon & Cornwall Police): There has been extensive work ongoing for this scheme between the architects and Police departments. Owing to the nature of some of the advice it is not for the public domain. So, the police designing out crime team have no objection and believe if advice is followed it will create a sustainable development that has a reduced risk of crime or anti-social behaviour.

Local Waste Authority (DCC): Initially commented that the Waste Audit Statement (WAS) is thorough in terms of identifying and quantifying the wastes that will be generated during the demolition, construction and operational phases and proposing measures for segregated storage and collection of those wastes. However, section 4.3 should require specific provision for the storage of food waste, given that three of the units are specifically for food and drink uses. A condition should be added requiring that the WAS be implemented in the proposed development. Subsequently confirmed that the point regarding section 4.3 has been addressed in revised WAS.

Environmental Health (ECC): Objects – Initially required further information on air quality. Following the submission of Addendum to Air Quality Assessment, stated that the updated modelling predicts slight impacts on air pollution in a few locations close to the development and a moderate impact at some receptors on East Wonford Hill. The modelling is based upon predicted traffic flows – 268 additional car movements per day at East Wonford Hill compared to baseline of 26,159 vehicles per day. No mitigation proposed other than 6 electric vehicle charging points. Mitigation should be proportionate to the harm caused. Object in accordance with Policy EN3 – the proposed mitigation is unquantified and insufficient. Upgrading buses on 4/4A/4B routes to latest Euro VI standard would be a good fit, as alternative mitigation. An upgrade of one bus operating on these routes from current Euro III to Euro VI standard would reduce nitrogen dioxide emissions by slightly less than the amount of emissions from an additional 268 cars. It is not possible to quantify what impact this would have on roadside concentrations of nitrogen dioxide, because a detailed dispersion model is needed to convert vehicle emissions to airborne concentrations, however it will clearly reduce concentrations in this area. This will have a health benefit for those living and spending time along this corridor. Recommend conditions (CEMP, Contaminated Land, UXO, Kitchen Extraction, Litter, Lighting, Noise).

Building Control (ECC): No comments.

Place Making Officer (ECC):

- Building parapet: confirmation should be provided about whether or not the proposed timber cladding will be left untreated: the way in which this weathers after completion might soon affect the appearance of the building.
- The initial site layout – option 5 in the Design and Access Statement indicated significant tree planting of the site fronting Honiton Road and Hill Barton Road but this has been virtually omitted from the final proposed layout.
- Instead the soft landscape proposals (drwg. Nos. 2063 URB SA [98] 00 01 D01 sheets 1-3) proposes groundcover planting fronting Honiton Road with areas of low growing ornamental shrubs at the corners of the proposed access road. The density of planting should be increased to ensure early cover and complemented with tree planting: sections through the cut slope on the northern boundary are required to illustrate shape and profile and indicate what the dashed lines represents.
- For the site as a whole tree planting should be included to provide a landscape structure for the site, to create a strong sense of place as well as a high quality landscape and public realm consistent with the Design and Access Statement rather than in a sparse and formless way as proposed.
- Six trees are proposed within the car park: additional trees would help to relieve the effect of the extent and form of the hard surfacing.
- All tree should be container grown to minimise transplant failure.

Living Options Devon: There is no Design and Access Statement with this application, therefore assume all public areas will be fully accessible and compliant with Part M of Building Regs and BS8300.

NB. Should the Planning Committee resolve to approve the application, the Secretary of State for the Ministry of Housing, Communities & Local Government will need to be consulted in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 before the decision is issued.

PLANNING POLICIES/POLICY GUIDANCE

Government Guidance

National Planning Policy Framework (NPPF) (July 2018)
Planning Practice Guidance (PPG)

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives

CP1 – Spatial Strategy

CP8 – Retail

CP9 – Transport

CP11 – Pollution

CP12 – Flood Risk

CP13 – Decentralised Energy Networks

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

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

AP1 – Design and Location of Development

AP2 – Sequential Approach

S1 – Retail Proposals/Sequential Approach

S2 – Retail Warehouse Conditions

S5 – Food and Drink

L3 – Protection of Open Space

L5 – Loss of Playing Fields

L8 – Indoor Sport Facilities

T1 – Hierarchy of Modes

T2 – Accessibility Criteria

T3 – Encouraging Use of Sustainable Modes

LS2 – Ramsar/Special Protection Area

LS4 – Nature Conservation

EN2 – Contaminated Land

EN3 – Air and Water Quality

EN4 – Flood Risk

EN5 – Noise

DG1 – Objectives of Urban Design

DG2 – Energy Conservation

DG3 – Commercial 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 (applies to major non-waste development)

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

DD1 – Sustainable Development

DD5 – Access to Jobs

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
DD30 – Green Infrastructure
DD31 – Biodiversity
DD32 – Local Energy Networks
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents

Sustainable Transport SPD (March 2013)
Planning Obligations SPD (April 2014)
Public Open Space SPD (Sept 2005)
Trees and Development SPD (Sept 2009)

Devon County Council Supplementary Planning Documents

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

OBSERVATIONS

The key issues are:

1. The Principle of the Proposed Development
2. Access and Impact on Local Highways
3. Parking
4. Impact on Air Quality
5. Design and Landscape
6. Impact on Amenity of Surroundings
7. Impact on Trees and Biodiversity
8. Flood Risk and Surface Water Management
9. Sustainable Construction and Energy Conservation

1. The Principle of the Proposed Development

Retail Policy Issues

Planning permission has already been granted on this site to develop a supermarket (ref. 13/4073/FUL). This consent included a Criminal Justice Centre and other facilities for the police authority on land further to the south on the Police Headquarters site. It's understood that the police authority intended to sell the site to a supermarket operator in order to contribute funding to develop these facilities, but the operator pulled out of the deal which has led to the current application. The previous consent has been implemented and is a material consideration in the determination of the current application.

Advice has been obtained from GVA, a planning consultancy specialising in retail planning, on the retail policy aspects of the application. Their advice letter is attached to this report. This application is one of six current major applications for retail development on out-of-centre sites in Exeter. These are listed below:

- 17/1962/OUT – Outline application for development of a non-food retail unit (Use Class A1), with associated deliveries yard, car parking and landscaping on part of the

existing Tesco car park (all matters reserved except access). (At Tesco overspill car park, Russell Way)

- 18/0368/OUT – Outline application for the demolition of existing structures, site remediation and redevelopment to provide Classes A1 (retail), A3 (Cafes and Restaurants), associated access, internal circulation, service yards, parking, landscaping, public realm works, infrastructure and dedication of land for improvements to Honiton Road (all matters reserved except access). (At WPD Depot, Moor Lane)
- 18/0983/OUT – Outline planning permission for a retail park (Class A1) along with complementary cafe/restaurants (Class A3) including means of access (all other matters reserved). (At B&Q, Avocet Road, Sowton Industrial Estate)
- 18/1209/VOC – Redevelopment to provide detached building (3207sq. m.) for retail use (Class A1), parking, vehicular and pedestrian access to highway and associated works (Vary condition 3 of pp. 07/0397/FUL to allow the sale of all non-food products from up to 930.5 sq m (GIA) while retaining the restricted range of goods on the remaining floorspace). (At Toys R Us, Bishops Court Industrial Estate, Sidmouth Road)
- 18/1330/OUT – Mixed use development to provide town centre facilities comprising uses within Classes A1 (Retail), Class A2 (Financial and Professional Services), Class A3 (Cafes and Restaurants) with associated Drive-Thru's, Class A5 (Hot Food Takeaways), Class D2 (Assembly and Leisure) with associated means of access, access roads, service yards, car parking, infrastructure, public realm and landscaping (all matters reserved except access). (At Land North of Honiton Road and West of Fitzroy Road, Honiton Road) ("Moor Exchange")

A previous application for retail development at Moor Exchange (ref. 18/0076/OUT) was recently withdrawn following the Planning Committee's decision to refuse this application for not being a 'local centre' in accordance with the development plan and concerns over the impacts on the City Centre and other designated centres in the city.

GVA previously advised that the Council should consider carefully whether these applications should be determined together in order to take account of cumulative impact issues should it wish to make a choice between them. The previous application for Moor Exchange was taken to committee individually, as this site is located within the Monkerton/Hill Barton Strategic Allocation in the Core Strategy that allows for an element of retail development in accordance with Policy CP19. This is not the case with the current or other applications and they are not bound by Policy CP19 accordingly. Despite this, GVA have advised that this application is distinguishable from Moor Exchange, first because it is submitted in full rather than outline and second because it proposes to sell a much narrower range of goods including a high proportion of 'bulky' goods. With the exception of application ref. 18/1209/VOC submitted relatively recently, all the other applications have also been submitted in outline. Therefore, taking into account the site history and the enabling arguments of the case, officers consider that this application is distinguishable from the others and can also proceed to be determined on an individual basis.

Policy CP8 of the Core Strategy applies to the application and takes precedence over Policy S1 of the Local Plan First Review. It states that out-of-centre sites will only be considered if there are no suitable sites in, or on the edge of, the City Centre, district centres or local centres and the proposal would cause no significant overall impact on the existing centres and would bring net benefits. This is consistent with the NPPF, which sets two tests for retail development on out-of-centre sites: the sequential test and impact test (the latter only applies to developments comprising 2,500 sq m gross floorspace or more).

As with Moor Exchange, GVA consider that the only available sequentially preferable site is the Bus and Coach Station site. However, GVA do not consider this to be a suitable site for the proposal, due to the type of retail units and range of goods being sold, which are more likely to require on-site parking provision. Therefore, the sequential test is considered to be passed, subject to suitable and robust controls being placed on the retail floorspace via conditions. These controls have been agreed with GVA and officers, subject to some tightening over what are defined as ancillary goods and the amount of floorspace they can be sold from (see proposed conditions under 'Description of Site/Proposal' above).

In terms of impacts, GVA have undertaken an impact assessment of the scheme with two scenarios: 1) with foodstore in largest retail unit, and 2) without foodstore. This indicates that the proposal will have an impact on the City Centre comparison goods sector of around 2% (with or without a foodstore), rising to around 3% when taking into account other commitments. It also indicates that the proposal will have an impact of about 1%, rising to 2% taking into account commitments, on the City Centre convenience goods sector. The assessment also indicates that the proposal will have an impact on St Thomas District Centre of around 2% for convenience goods and 4.6% for comparison goods. These impacts are lower than the predicted impacts for the previous Moor Exchange proposal, which is due to the tighter controls placed on the range of goods that can be sold. GVA and officers agree that these impacts are not significant, therefore do not warrant refusal of the application in line with Policy CP8 and the NPPF. GVA have also pointed out that the extant consent for a supermarket allows for the sale of any comparison goods from up to 1,166 sq m of floorspace and the relinquishment of this provision in the current application weighs positively in the overall planning balance. GVA do not consider that there will be any significant adverse impacts on other centres in the city or on any investment projects in the city, including at the BCS site or Exe Bridges at St Thomas.

Therefore, the application is considered to accord with Policy CP8 and the relevant parts of the NPPF regarding the protection of town centres, subject to suitable conditions. The economic benefits of the proposal should also be taken into account, including 220 FTE jobs being created.

Loss of Playing Field Land

Sport England have objected to the application, due to the loss of playing field land (defined as the whole of a site which encompasses at least one playing pitch). This was also the case for the extant planning permission for a supermarket etc. Since the previous application, a football pitch has been marked out on the undeveloped land on the site and been used by a small number of junior football teams since the start of the playing season in 2017 as part of a voluntary community engagement programme entered into by the Devon and Cornwall Police and Crime Commissioner. The pitch is also used occasionally by the Force's football team. Before this the land was used for the Devon Air Ambulance and the Devon and Cornwall Police air support facility, which has relocated to Exeter Airport. The applicants state that the football pitch is a temporary relocation of the pitch on the south part of the Police Headquarters site, while the new Criminal Justice Centre and other facilities are constructed. A permanent replacement football pitch will be provided adjacent to the new Criminal Justice Centre in spring 2020 or possibly earlier, which in accordance with the legal agreement attached to the extant planning permission must be made available for community use. The applicants therefore consider that Sport England's objection is unreasonable given the planning history of the site and feel they are being unfairly penalised for having gone above and beyond the terms of the legal agreement.

In their response, Sport England refer to there being two football pitches on the south part of the Police Headquarters site previously and the provision of a single replacement pitch in this area as part of the previous application. They also claim that the site subject to this

application was used historically for cricket, although the applicants state that this is incorrect and cricket was historically played on the south part of the Police Headquarters site. Notwithstanding these matters, officers consider that the extant consent for a supermarket outweighs Sport England's objection. Therefore, in this case there is a material consideration to indicate not according with Policies L3 (Protection of Open Space) and L5 (Loss of Playing Fields), and paragraph 97 of the NPPF. However, as Sport England have objected, the Secretary of State for the Ministry of Housing, Communities & Local Government will need to be consulted in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 before the decision is issued, should the Planning Committee resolve to approve the application.

2. Access and Impact on Local Highways

The Local Highway Authority has objected to the application because they do not consider that the proposed roundabout design can accommodate the proposed development in terms of capacity or safety. This is despite not raising an objection to the previous application for a supermarket in 2013/14 with similar access arrangements, i.e. provision of a fifth arm to the Wilton Way roundabout, although clearly this application must take into account circumstances as they are today. The Local Highway Authority state that the existing roundabout is close to capacity at peak times. Having ran their own modelling analysis, they state that provision of a fifth arm to the roundabout to access the site, in combination with the increased traffic of the proposal, will result in severe queuing on the approach roads to the roundabout, and vehicles struggling to exit the site. They say this raises the risk of rear end shunting. They say that there is a lack of information and errors in the applicants' Transport Assessment regarding the capacity of the roundabout, and no Road Safety Audit has been submitted.

The Local Highway Authority go on to say that if the previous design for the roundabout for the supermarket was submitted today, they would raise similar objections due to current traffic analysis and a lack of information on the safety implications. They also say that flaws were not identified in the previous submission. In terms of alternative access options, they state that it is not possible to signalise a five arm roundabout in this location. They suggest that Alderson Drive (the existing access to the Police Headquarters site) should be investigated as the access to the retail park, as it would not require adding a fifth arm to the roundabout, however the applicants have not engaged with them in this respect.

The Local Highway Authority has also raised the following issues:

1. Further details required in regard to the proposed works to the Hill Barton Road junction, including Road Safety Audit.
2. There are opportunities to improve pedestrian and cycle access to the site, which have not been taken up, including: narrowing the A3015/Alderson Drive junction to make it easier for pedestrians and cyclists to cross; providing a refuge island to make it easier to cross the A3015; and extending the shared use pedestrian/cycle path further to the east along Honiton Road in order to connect with the pedestrian/cycle highway improvement works proposed for Moor Exchange.
3. Pedestrian crossing points should be set back by one vehicle length on the arms of the roundabout to allow pedestrians/cyclists to cross behind vehicles in accordance with best practice.
4. There will be sufficient car parking for the proposed use; however, cycle parking standards should be exceeded, where practical, and changing facilities/lockers should be provided for staff in accordance with the Sustainable Transport SPD.
5. It appears there will be enough space for service vehicles to turn on the site.
6. A Travel Plan should be secured.

The applicants have discussed the possibility of constructing the permitted access to the supermarket and changing the application to only apply for the retail park, taking into account that the retail park is predicted to generate less traffic than the supermarket. This is a fallback position and a material consideration for the current application. However, the amount of weight that can be given to the fallback position depends on the likelihood of it being carried out. At this stage it is uncertain that the permitted access can be built because the extant consent is subject to a s106 agreement that requires the developer to enter into a Highway Works Agreement with the Local Highway Authority prior to commencement of the supermarket. Based on the current objection there is now doubt this can be agreed.

To shed further light on this matter, officers have requested a Stage 2 Road Safety Audit from the applicants for the permitted roundabout design in order to demonstrate that it is deliverable and can be given a high degree of weight as a fallback option. The Local Highway Authority has confirmed that this is necessary in order to enter into the Highway Works Agreement. However, if this is not possible at this stage, officers have requested a Stage 1 Road Safety Audit instead and confirmation from the Local Highway Authority that the permitted roundabout design is deliverable based on this. Officers have also requested Stage 1 Road Safety Audits for the roundabout design and other highway works proposed in the current application. The applicants are in the process of preparing these.

If it is demonstrated that the extant permitted access can be delivered, then this will weigh favourably in the determination of the current application. However, it should also be remembered that the impacts to the highway network will only occur when the retail park becomes operational and while it's predicted to generate less traffic than the supermarket, the reduction in capacity of the roundabout compared to four years ago is also a material consideration. This may be a result of additional development being built to the east of Exeter over the intervening years. Therefore, the weight that is given to the supermarket as a fallback will also be relevant in coming to a judgement over whether the proposed access to the site is acceptable.

The applicants have asked officers to take the application to the next committee to be determined. They have also made the suggestion of adding a condition prohibiting occupation of the development until the highway improvement works for the reconfiguration of the roundabout have been completed in accordance with details previously agreed by the Local Planning Authority. However, until the above Road Safety Audits are submitted and considered, officers' recommendation is that the application should be refused in accordance with the Local Highway Authority's objection. If officers consider that the proposed access is acceptable following the submission of this information and further consultation with the Local Highway Authority, then the pedestrian and cycle improvement works set out in 1-3 above should also be secured in the application.

3. Parking

The proposed car park will include 417 car parking spaces (33 for disabled users and 6 electric vehicle charging points), slightly more overall than the previous Moor Exchange application. The indicative car parking standards set out in Table 3 of the Sustainable Transport SPD state that 1 space per 14 sq m (GIA) is required for food retail, 1 space per 20 sq m for non-food retail and 1 space per 22 sq m for D2 including leisure. This means that if a food store occupies the largest retail unit and the maximum allowance for mezzanines is taken up, approximately 736 car parking space should be provided. The applicants however state that the standards don't make an allowance for linked trips or opportunities to access the site by sustainable modes, therefore rigidly applying the standards would result in an over provision of parking. Officers accept this and note that the Local Highway Authority has not objected to the application on the basis of a lack of car parking.

The minimum car parking standards for disabled users in Table 4 of the Sustainable Transport SPD require 4 + 4% of the total capacity of the car park for shopping developments. 4% of 417 rounds up to 17, therefore a minimum of 21 disabled spaces should be provided. The proposed provision of 33 disabled spaces is therefore acceptable. The SPD states that retail facilities should be future-proofed to provide charging points for electric vehicles. 6 charging points are proposed, which is 1.4% of the total. Officers have encouraged the applicants to increase this. As a comparison, the previous Moor Exchange proposal offered 10%. A condition should be added securing the electric charging points prior to occupation.

The minimum cycle parking standards set out in Table 2 of the Sustainable Transport SPD require 1 staff cycle space per 350 sq m net retail floorspace. This means that a minimum of 27 staff cycle parking spaces should be provided for the A1 retail units (based on the applicants' proposed net sales area condition for Units RT1 – RT8). Staff cycle parking is also required for the A3 retail units and gym. 40 staff cycle parking spaces are proposed, which is considered to be an acceptable amount. Final details of the design and location of these should be secured by condition. Showers, lockers and space to dry clothes must also be provided (ST SPD Para 5.3.1) and a suitable condition added to secure this in the development.

Customer cycle parking is also required. The relevant standards are 1 space per 350 sq m net retail floorspace (minimum 10 spaces) for food retail, 1 per 500 sq m of net retail floorspace (minimum 4 spaces) for non-food retail and 1 space per 20 peak period visitors for sports facilities. This means that a minimum of about 20 customer cycle spaces are required for the A1 retail units. Provision should also be made for the proposed A3 retail units and gym. A total of 36 customer cycle parking spaces are proposed, which is considered to be an acceptable amount. Final details of the design and location of these should be secured by condition.

4. Impact on Air Quality

Environmental Health objected to the application, due to unquantified and insufficient air quality mitigation to address the predicted impacts of the traffic generated by the scheme on air quality within the Air Quality Management Area at East Wonford Hill. However, the applicants have subsequently agreed to pay the suggested air quality mitigation contribution of £42,000 towards upgrading one bus on route 4/4A/4B from Euro III standard to Euro VI standard. Euro VI standard buses produce significantly less nitrogen dioxide pollution than older Euro III standard buses. The contribution should be secured in a s106 legal agreement.

5. Design and Landscape

The designs of the proposed buildings are considered to be acceptable and of satisfactory appearance. The glazed elevation of the main retail terrace will have a vertical emphasis, providing a good degree of enclosure to the large space of the car park. The architectural quality of the development will depend to a large extent on the quality of the materials. Final confirmation of the materials to be used should be secured by condition.

The Place Making Officer has commented that the density of planting in the proposed landscape scheme should be increased, including more tree planting if possible. A detailed landscaping scheme should be secured and implemented through a planning condition. This will provide the opportunity to review the amount and quality of the proposed soft landscape works. Fruit bearing trees and shrubs should not be incorporated to protect Exeter Airport. A

Landscape and Ecological Management Plan (LEMP) should also be secured by condition to ensure that the soft landscape is well managed and maintained in the future.

6. Impact on Amenity of Surroundings

Environmental Health have raised no concerns over the impact of the proposals on the amenity of surrounding residential properties, subject to suitable conditions being added to any planning consent. These include conditions on: contaminated land, kitchen extraction, detailed lighting scheme and plant noise.

7. Impact on Trees and Biodiversity

28 individual trees are proposed to be removed. These are mainly considered to be low quality with the exception of two category B trees. Suitable replacement tree planting should be secured in the detailed landscaping scheme for the site (see '5. Design and Landscape' above). A condition should be added to protect the trees to be retained on and around the site during the construction phase. The biodiversity enhancement measures set out in the submitted Preliminary Ecological Appraisal should be secured in the LEMP to be conditioned (see '5. Design and Landscape' above).

With reference to The Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.

8. Flood Risk and Surface Water Management

Policy EN4 does not permit development if it would be at risk of flooding. The site is within Flood Zone 1 and the proposed use is classified as 'less vulnerable' (see PPG). 'Less 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. The applicants' proposed surface water drainage strategy incorporates permeable paving and bio-retention tree pits. The Lead Local Flood Authority (DCC) has confirmed that the proposed surface water drainage strategy is acceptable, subject to pre-commencement conditions to secure final design details of the systems for the construction and operational phases.

9. Sustainable Construction and Energy Conservation

Policy CP13 requires new development with a floorspace of at least 1,000 sq m to connect to any existing, or proposed, Decentralised Energy Network (DEN) in the locality to bring forward low and zero carbon energy supply and distribution. The proposed development will exceed this floorspace and the site is located close to one of the network areas at Monkerton. However, the operator of the network has been contacted to explore the practicalities of connecting this scheme to the network and they have confirmed that in this case the demand does not justify the expense of crossing Honiton Road and the railway line at this time. Therefore, there is no requirement for the scheme to connect to the Monkerton DEN.

Policy CP15 requires all non-domestic development to achieve BREEAM 'Excellent' standards from 2013 and are expected to be zero carbon from 2019. The proposals include a PV system on the roof of the development in order to achieve zero carbon for the shell development. A BREEAM Pre-Assessment has been undertaken indicating that the

development will achieve a BREEAM Excellent rating. A condition should be added securing a BREEAM design stage assessment report and post-completion report to ensure Policy CP15 is fully complied with.

CIL/S106

The proposed development is CIL liable, as it is for retail development outside the city centre. The rate for permission granted in 2018 is £174.67 per sq m. This applies to the net chargeable floor area. The proposed development includes a total of 12,198.3 sq m (GIA) A1 and A3 retail floorspace (which includes 3,112 sq m mezzanine floorspace). A total of 2,393 sq m will be removed in existing buildings to be demolished. Therefore, the net chargeable floor area is 9,805.3 sq m and the total liability is £1,712,691.75.

The applicants have requested that the application is split into phases for the purposes of CIL to account for the mezzanine floorspace, which will be installed on a unit by unit base by incoming tenants. This is in case mezzanines are not installed or are smaller than the application allows for. Officers have agreed to this. Therefore, the CIL liability will be paid as follows:

Phase 1 (main development)

- Net chargeable floor area = 6,693.3 sq m
- Liability = £1,169,118.71
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:
 1. £50,000 within 60 days after the date on which development commences
 2. £150,000 within 1 year after the date on which development commences
 3. £200,000 within 18 months after the date on which development commences
 4. £769,118.71 within 2 years after the date on which development commences

If these forms are not submitted prior to commencement of the development, the right to pay in instalments will be lost.

Phase 2 (RT1 mezzanine)

- Chargeable floor area = Up to 557.4 sq m
- Liability = Up to £97,361.06
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:
 1. Up to £50,000 within 60 days after the date on which development commences
 2. Up to £47,361.06 within 1 year after the date on which development commences

If these forms are not submitted prior to commencement of the development, the right to pay in instalments will be lost.

Phase 3 (RT2 mezzanine)

- Chargeable floor area = Up to 464.5 sq m
- Liability = Up to £81,134.22
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:

1. Up to £50,000 within 60 days after the date on which development commences
2. Up to £31,134.22 within 1 year after the date on which development commences

If these forms are not submitted prior to commencement of the development, the right to pay in instalments will be lost.

Phase 4 (RT3 mezzanine)

- Chargeable floor area = Up to 464.5 sq m
- Liability = Up to £81,134.22
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:
 1. Up to £50,000 within 60 days after the date on which development commences
 2. Up to £31,134.22 within 1 year after the date on which development commences

If these forms are not submitted prior to commencement of the development, the right to pay in instalments will be lost.

Phase 5 (RT4 mezzanine)

- Chargeable floor area = Up to 464.5 sq m
- Liability = Up to £81,134.22
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:
 1. Up to £50,000 within 60 days after the date on which development commences
 2. Up to £31,134.22 within 1 year after the date on which development commences

If these forms are not submitted prior to commencement of the development, the right to pay in instalments will be lost.

Phase 6 (RT5 mezzanine)

- Chargeable floor area = Up to 696.75 sq m
- Liability = Up to £121,701.32
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:
 1. Up to £50,000 within 60 days after the date on which development commences
 2. Up to £71,701.32 within 1 year after the date on which development commences

If these forms are not submitted prior to commencement of the development, the right to pay in instalments will be lost.

Phase 7 (RT6 mezzanine)

- Chargeable floor area = Up to 185.8 sq m
- Liability = Up to £32,453.69
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:
 1. Up to £32,453.69 within 60 days after the date on which development commences

If these forms are not submitted prior to commencement of the development, the right to pay in instalments will be lost.

Phase 8 (RT7 mezzanine)

- Chargeable floor area = Up to 278.7 sq m
- Liability = Up to £48,680.53
- Paid in following instalments provided assumption of liability form and commencement form submitted prior to commencement:

1. Up to £48,680.53 within 60 days after the date on which development commences

If these forms are not submitted prior to commencement of the development, the right to pay in instalments will be lost.

A s106 legal agreement is considered necessary and must secure the following contributions/obligations:

- Financial contribution of £42,000 towards upgrading buses to Euro VI standard on services 4/4A/4B as air quality mitigation.

RECOMMENDATION

REFUSE for the following reason(s):

1. The proposed access to the site comprising adding a fifth arm to the Honiton Road/A3015/Wilton Way roundabout will result in a severe impact on the local highway network in terms of its capacity and safety. Furthermore, evidence has not been submitted to demonstrate to the satisfaction of the Local Planning Authority that the reconfiguration of the roundabout as permitted under planning application ref. 13/4073/FUL can be delivered accounting for current traffic conditions and that it will be appropriate for the proposed use. Therefore, the application is contrary to paragraph 109 of the NPPF.
2. The access points to the proposal by reason of its inadequate pedestrian/cycling facilities and absence of any Road Safety Audit does not form a safe and suitable access to the site for all users, contrary to paragraphs 108 and 109 of the NPPF.
3. A s106 legal agreement has not been prepared in accordance with the Planning Obligations Supplementary Planning Document to secure a £42,000 contribution to upgrade a bus on service 4/4A/4B from Euro III to Euro VI standard in order to mitigate the air quality impacts of the additional traffic generated by the proposal on the Air Quality Management Area (AQMA). Without such mitigation being secured, the proposal will have an adverse impact on air quality within the AQMA and will be contrary to saved Policy EN3 of the Exeter Local Plan First Review and paragraph 181 of the NPPF.

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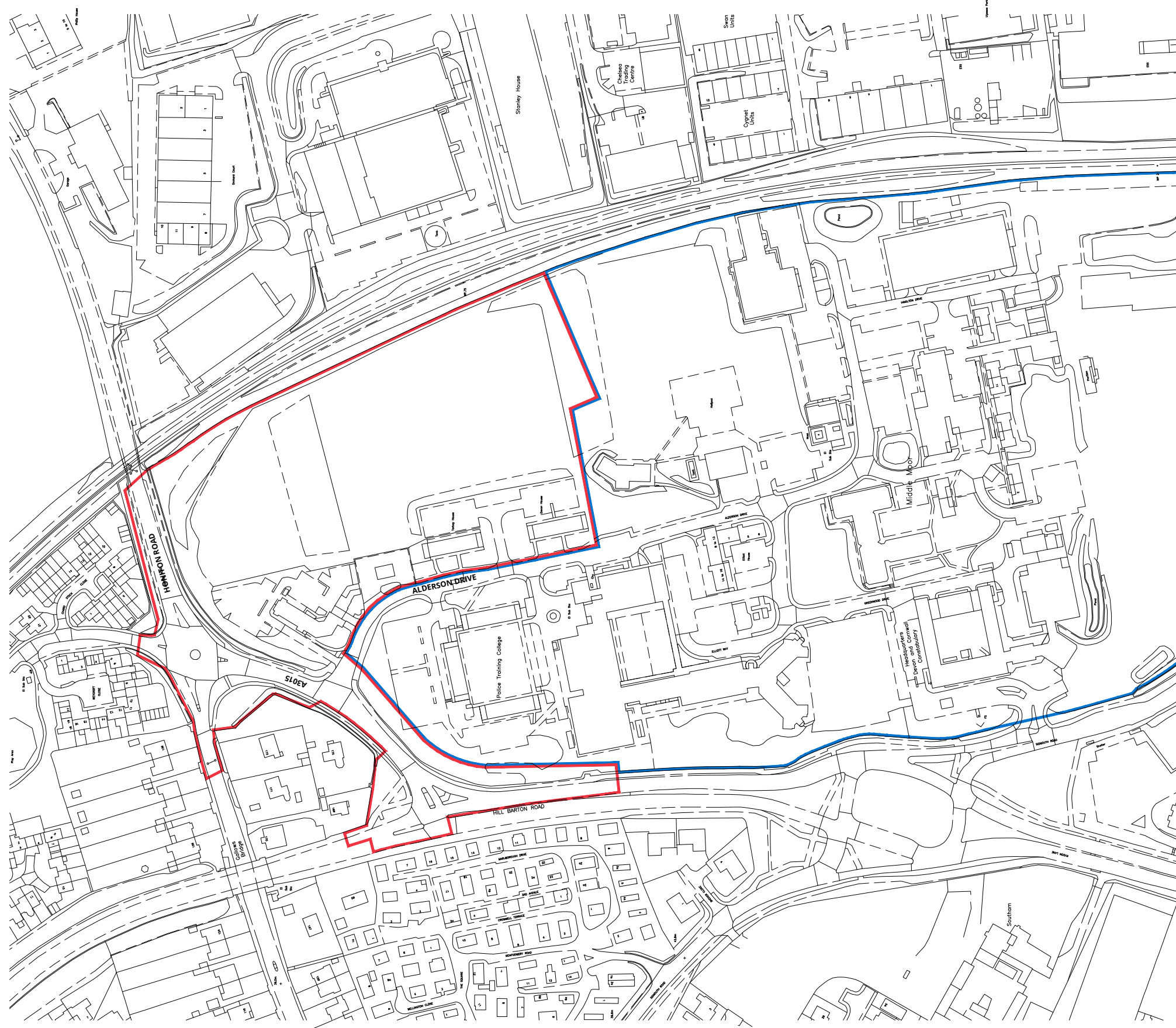
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DRAWING TO BE READ IN COLOUR

LEGEND:

 RED LINE APPLICATION BOUNDARY
4.54 Hectares

 PCC OWNERSHIP OUTSIDE OF APPLICATION BOUNDARY



D05 Issued for Planning with updated red line 28.06.18

Revision Description Date



Client **HAMMERSON (EXETER II) LTD.**

Project **PROPOSED MIXED USE DEVELOPMENT, POLICE HQs SITE MIDDLEMOOR, EXETER**

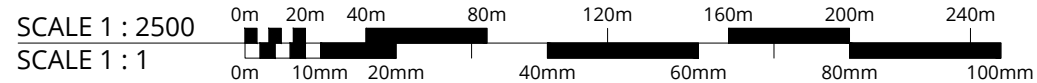
Drawing **SITE LOCATION PLAN**

Scale 1:2500@A3 Drawn JR

Date JUN 18

Project No. Drawing No. Revision

2063 URB SA [08] 00 01 D05



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PLANNING

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Our Ref:
Your Ref:

13th September 2018

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Dear Matt

Middlemoor – Proposed Retail & Leisure Development
(ECC reference: 18/1007)

Introduction

Further to your instructions, I write, as requested, to provide written advice on the key retail planning policy issues associated with the above planning application.

The submitted application comprises the following description of development:

“Demolition of existing buildings and erection of a mixed use development comprising Class A1 retail units; Class A1/A3/A5 food and drink units with drive through facilities; Class D2 health & fitness use; management office, customer toilet facilities, and associated access, parking, and landscaping”.

A more detailed review of the scale and nature of the proposed floorspace is contained in the next section of this advice letter.

The applicants are Hammerson (Exeter II) Limited and the Devon & Cornwall Police Crime Commissioner.

Our review of the relationship of the proposed development with salient retail and town centre planning policies in the development and material considerations (such as the new National Planning Policy Framework ('NPPF') published in July 2018) has focused upon the sequential and impact tests. This is due to the application site lying in an out of centre location in planning policy terms.

When making our assessment, we have undertaken a review of the contents of the applicants' Retail & Leisure Assessment ('RLA') which has been prepared by Burnett Planning and dated June 2018. In addition to the RLA, the applicants have submitted some suggested controls over the proposed retail floorspace. These controls have been revised during the course of discussions between Burnett Planning, ECC officers and GVA and are outlined in the next section of this advice.

GVA is the trading name of GVA Grimley Limited registered in England and Wales number 6382509. Registered office, 3 Brindleyplace, Birmingham B1 2JB

Regulated by RICS

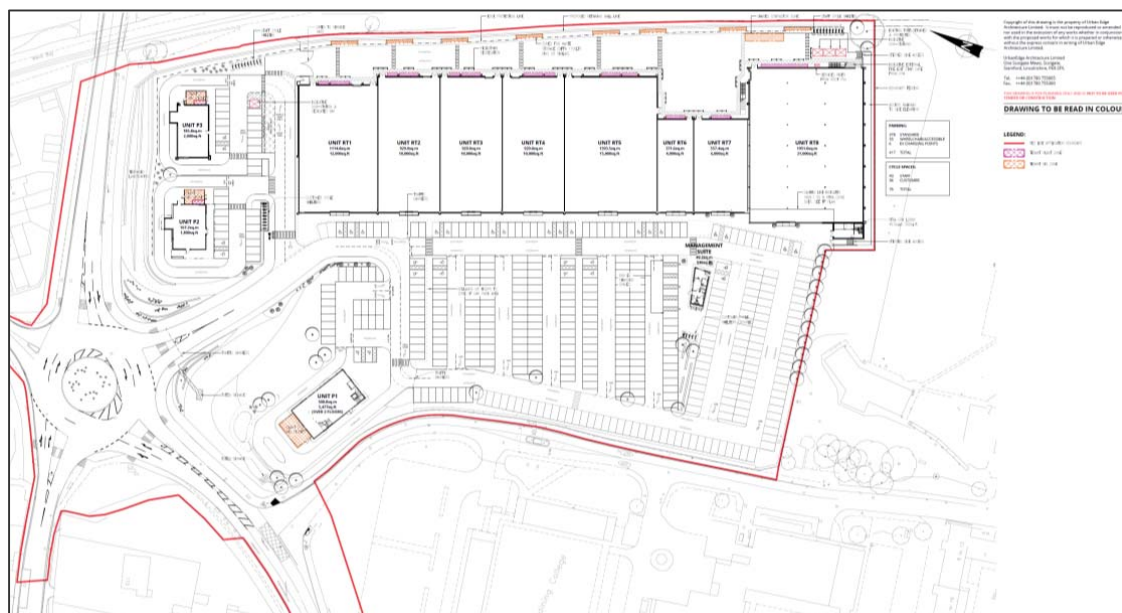
As you know, this application is one of a number of recent/current applications for retail development on the eastern side of the Exeter urban area. These are:

- Moor Exchange. ECC has recently resolved to refuse planning permission for a 12,634sq m retail development on land to the north of Honiton Road. The application was withdrawn by the applicant prior to ECC issuing its formal decision notice. This was the third application at the Moor Exchange site in recent years, following a refusal of planning permission by the Secretary of State for a similar scheme in 2016. We understand that another application at the Moor Exchange site has recently been submitted to ECC, although at the time of finalising this advice letter the application has yet to be registered.
- Western Power Distribution. An outline application for the redevelopment of the WPD depot to provide 7,962sq m of Class A retail floorspace.
- Tesco car park. An outline application for a 1,230sq m Class A1 retail unit on the car park of the existing Tesco supermarket at Russell Way.
- B&Q. Outline planning application for the redevelopment of the existing B&Q Warehouse at Avocet Road.

To date, we have provided written advice to ECC on the retail planning policy issues associated with the recent Moor Exchange application. An element of that advice contains relevant background and contextual information for this application at Middlemoor and therefore, in the interests of brevity, we will refer to the content of our May 2018 advice where necessary. Whilst the Middlemoor application needs to be determined on its own merits, it is nevertheless useful to refer back to the Moor Exchange proposals (and the Secretary of State's decision in 2016) as it can provide useful information.

The Proposed Development

This is a full planning application and an extract from the submitted site layout plan is shown in Figure 1 below:



Eight medium to large retail units are proposed (R1-R8) along with three smaller units (P1-P3). As originally proposed these three units were to have dual A1 and A3 use, although the draft controls offered by the applicants now propose these to be Class A3 use only.

In total, 14,103sq m of gross floorspace is proposed. Within this amount, the following can be provided:

- A maximum non-food floorspace of 11,473sq m
- A foodstore unit of 1,951sq m
- 1,905sq m of Class D2 health and fitness floorspace
- 862sq m for the originally proposed A1/A3 floorspace, now changed to A3 only.

The RLA indicates that the eight larger units in the scheme *“will be occupied mainly by national multiple bulky goods retailers in the furniture, furnishings and homewares sectors”* and *“other bulky goods retailer interest may come from the hobbies, sports, and toys sectors”*.

Section 1 of the RLA refers to the previous planning permission on this site for a large supermarket and notes that it *“includes 1,166sq m unrestricted non food sales floorspace as part of that approved store. In the proposed scheme it is proposed to retain an element of the flexibility that this 1,166sq m sales floorspace would provide but not to allow it to be used for the sale of all non food goods”*. Such an allowance was proposed in the applicants' initial set of draft controls but has subsequently been removed.

The current version of the draft proposed controls are as follows:

- A restriction on food retail sales, apart from:
 - Up to 15% of the sales area of one unit;
 - The use of one unit as a foodstore up to 1,951sq m gross; and
 - The sale of confectionery where sold as ancillary goods.
- The following categories of non-food goods can be sold:
 - DIY and gardening goods
 - Kitchens and bathrooms
 - Carpets and floor coverings
 - Lighting products
 - Household furniture, furnishings and textiles
 - Office furniture and supplies
 - Household goods and kitchenware
 - Electrical goods
 - Motor vehicle related goods
 - Marine accessories and chandlery
 - Camping and associated leisure goods
 - Pets and pet related goods
 - Hobbies, craft and toys (from one unit only)
 - Sports and outdoor leisure pursuits clothing, footwear and equipment (from one unit only)
 - Toiletries (but only where sold as ancillary goods and not exceeding a maximum of 50sq m in total)
- No sub-division of units R1-R8.
- The use of units P1/2/3 shall be Class A3 use only.
- Net sales area for R1-R8 of 9,594sq m.

Planning Policy Context

The development plan for Exeter comprises the Exeter Core Strategy and those remaining saved policies in the Exeter First Review Local Plan which have not been superseded by the contents of the Core Strategy. In addition to the development plan, the contents of the new NPPF and supporting National Planning Practice Guidance ('NPPG') will be material considerations.

The site subject to this application lies outside of any defined 'town centre' in the retail hierarchy in Exeter and the distance to the nearest defined centre indicates that the site should be classified as

an out of centre location. As a consequence, Policy CP8 of the Core Strategy is relevant to this application. As set out in paragraph 3.4 of our May 2018 advice report, CP8 allocates a significant amount of new food and non-food retail floorspace to the city centre and indicates that proposals in out of centre locations will be considered against the sequential and impact tests. CP8 also refers to the requirement for 'local retail facilities' in the Monkerton/Hill Barton and Newcourt urban extensions.

National planning policy on retail and town centres in the July 2018 version of the NPPF is contained within Section 7 of the new document and its development management policies closely follow the previous version. Paragraphs 86 and 87 deal with the sequential test and continue to advocate a 'town centres first' approach:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered".

and

"When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored".

Paragraph 89 of the new NPPF also requires proposals for retail and leisure development outside of town centres which are not in accordance with an up-to-date Local Plan to undertake an 'impact' test if the proposed development is over a proportionate, locally set threshold or a default threshold of 2,500sq m gross.

Where impact assessments are required, paragraph 89 requires two criteria to be addressed: impacts on existing, planned and committed public and private investment; and impacts on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

The new NPPF also retains the same approach to the determination of retail proposals outside of defined 'town centres' noting that:

"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused".

The Sequential Test

Given the location of the application site, there is a need to consider whether there are any suitable and available alternative sites in sequentially preferable locations which can accommodate the proposed development. When making this assessment, local authorities and applicants must demonstrate flexibility in terms of scale and format.

The salient issues associated with large scale retail development proposals outside of existing 'town centres' in Exeter have been well rehearsed in relation to the Moor Exchange proposals on land to the north of Honiton Road. In particular, the focus for the sequential site assessment is on the Bus and Coach Station ('BCS') site in Exeter city centre and the Secretary of State's (recovered) appeal decision in 2016 found that the previous Moor Exchange retail and leisure proposal could be accommodated on the BCS site.

Within our May 2018 advice on the more recent Moor Exchange retail development proposal, we concluded that:

"We consider that the focus for the sequential test remains on the BCS site and our re-assessment of its suitability and availability finds a number of factors have not materially changed since the 2015 public inquiry and the June 2016 Secretary of State decision.

These include the development plan strategy towards the site and the physical condition of the site. However, there have been some material changes including the abandonment of the redevelopment scheme promoted by the Crown Estate which is related to changes in market conditions. In addition, as a consequence of the abandonment of the redevelopment scheme (based upon the outline planning permission) ECC will now assess its options with regards to the BCS site going forward and there is a possibility for a change in approach for the land use mix. As a consequence, we consider that it reasonable to remain of the view that the majority of the BCS site considered as part of the previous proposal remains available but there is now much less certainty over it being a suitable alternative for the Moor Exchange proposals.

Also relevant to the issue of suitability is the content of the current scheme. In overall terms, the current scheme is smaller than the scheme refused in 2016, with a similar amount of Class A1 retail floorspace. That change does not suggest that the current scheme cannot be physically accommodated on the BCS site. However, the applicant has contemplated that the current scheme could include a reasonably large foodstore, which is shown on the indicative illustrative masterplan. However, the provision of this floorspace is not guaranteed by the proposed floorspace control offered by the applicant. This suggests no real difference from the previous scheme. However, should a large format foodstore become a formal and guaranteed part of the current scheme, we consider that it could not be accommodated on the BCS site thus potentially removing any potential concern that the BCS site was still a suitable alternative".

We understand that the BCS site was a topic of discussion when the most recent Moor Exchange application was presented to planning committee in August 2018 and the draft minutes note that:

"Some Members also felt that the proposal would still fail the sequential test with reference made to the Bus and Coach Station still being available and sequentially preferable".

It is, however, unclear as to whether this would have formed a formal reason for refusing planning permission as the application was withdrawn by the applicant prior to a decision notice being issued.

This sets a useful background context for the BCS site, although it is important that the BCS site is re-considered in relation to the content of the Middlemoor planning application.

Paragraphs 4.23-4.46 of the applicants' RLA provide an assessment of the BCS site in relation to the Middlemoor proposal. The first part of the assessment deals with the history of the BCS outline planning application proposals, the subsequent abandonment of the scheme by the Crown Estate and the RLA suggests that

"given that the Crown Estate was unable to deliver the approved PHL scheme due to market conditions, there seems no realistic prospect that an alternative commercial development project involving a significant quantum of retail development will be promoted on this site in the foreseeable future".

Our own analysis in our May 2018 advice on the Moor Exchange application does raise some doubts over whether the BCS site will still be promoted for large scale retail development although, whilst the City Council continues to consider its options for the BCS site going forwards, we do not share the negative views expressed in the Middlemoor RLA.

However, as set out in the latter part of the RLA assessment there is a need to consider whether the Moor Exchange and Middlemoor proposals can be distinguished for the purposes of the sequential

test. In our view, there are two notable differences between the schemes. First, Moor Exchange was an outline planning application proposal containing a reasonably large amount of flexibility in terms of how the scheme could ultimately be developed. In contrast, the Middlemoor proposal is a full planning application, containing all necessary details for the development. In particular, there is clarity over the number and size of the retail units.

Second, there are differences between the schemes in terms of the range of goods which could be sold. The Moor Exchange proposals would be able to sell a much wider range of comparison goods and a much higher proportion of non-bulky comparison goods (including clothing/footwear/fashion and health/beauty goods). In contrast, whilst the Middlemoor proposal does not limit itself to just bulky comparison goods, the range of permitted goods would be narrower.

As a consequence, we consider that, so long as suitable and robust conditions are placed upon any planning permission for the Middlemoor proposal, there is a material difference with the approach being proposed at Moor Exchange. Moor Exchange is a substantial retail development of the sort normally found on the high street which would not require on-site car parking provision if it were provided on the BCS site. In contrast, the Middlemoor proposal will, due to the type of retail unit and range of goods being sold, have a requirement for such parking provision, and the scale/format of retail units being proposed are unlikely to be able to be accommodated on the BCS site. Therefore, we consider that, so long as suitable and robust controls are placed over the retail floorspace in the Middlemoor application, it can meet the provisions of the sequential test as set out in CP8 of the Exeter Core Strategy and paragraphs 86 and 87 of the new NPPF.

Impact

As required by national planning policy, Sections 5 and 6 of the applicants' RLA provide an assessment of the proposals likely impact on the health of, and investment within, defined 'town centres' across Exeter. We deal with each in turn below.

Impact on the vitality and viability of nearby 'town centres'

The main focus for the applicants' assessment of the impact of the Middlemoor proposal on the vitality and viability of existing 'town centres' is a financial impact assessment. Prior to the preparation of this full planning application, we worked with Burnett Planning, the authors of the RLA, to agree the scope and content of the assessment. As a consequence, much of the assessment is agreed and (A) accords with ECC's evidence base documentation on shopping patterns (and turnover levels) for convenience and comparison goods shopping, and (B) is generally consistent with the data being used to assess the other retail development proposals in Exeter.

The RLA provides three alternative financial impact scenarios in order to take account of the potential variations in occupancy within the scheme. These are:

- Scenario 1 – occupation of the scheme by a high number of furniture, floorcoverings and home furnishings retailers, plus a Smyths toys/game store and Hobbycraft.
- Scenario 2 – occupation by a smaller number of furniture retailers, plus a Decathlon sports/leisure goods store and two units taking advantage of the originally proposed open A1 non-food goods sales from 1,166sq m.
- Scenario 3 – as per scenario 2 but the largest number is now occupied by a foodstore.

Based upon the scheme as originally submitted, we consider that these three scenarios are reasonable although subsequent changes to the controls over the range of goods which can be sold from the proposed Class A1 retail floorspace, indicate that the inclusion of 1,166sq m of unrestricted floorspace in scenarios 2 and 3 can now be removed.

Based upon these three scenarios, the RLA forecasts at between 20%-25% of the scheme's comparison goods turnover will be diverted for the city centre and almost all of the remainder will be

diverted from out of centre stores in Exeter, particularly the recently opened IKEA and retail parks/units at Alphington, Rydon Lane, Marsh Barton and Sowton.

In general terms we would agree that a retail park which has a reasonable proportion of bulky goods / furniture operators is likely to compete with out of centre stores to a greater extent than we forecast in our May 2018 advice for the most recent Moor Exchange proposal. However, two matters are of note:

- The proportion of the turnover at the proposed development being diverted from the city centre appears to be low, bearing in mind the city centre still able to achieve reasonably high market shares in bulky goods shopping;
- The list of goods proposed to be sold from the A1 retail units is wider than just furniture/furnishings which are emphasised in paragraph 5.26 of the RLA are the focus for the applicants' letting strategy; and
- Two out of the three trade diversion scenarios are now out of date as the applicants are now no longer proposing that 1,166sq m of A1 floorspace is unrestricted non-food floorspace.

Therefore, we have undertaken our own impact financial impact assessment and this is attached to this advice letter. It follows the same format as our impact assessment for Moor Exchange in May 2018 and:

- Adopts two scenarios – one including a foodstore in Unit R8 and an alternative where no convenience goods sales are present;
- Adopts the same pre-impact store turnover data for convenience and comparison goods floorspace as our May 2018 advice to ECC;
- For the scenario incorporating the foodstore, we have used the turnover from the applicants' Scenario No.1 and replaced the turnover of Wren Kitchens in R8 with the turnover of the foodstore in Scenario No.3.
- For the scenario excluding the foodstore, we have adopted the forecast turnover level from the applicants' Scenario No.1.

The results of our assessment are shown in Tables 2a, 3a and 3b attached to this letter and can be summarised as follows:

- Where a foodstore is included within the scheme, the impact on the convenience goods sector in Exeter city centre will forecast to be -1.1%, rising to -1.9% when the impact of commitments is taken into account.
- The solus impact on the city centre's comparison goods sector is between -1.9% and -2.2%, rising to between -3.0% and -3.3% when the impact of commitments is taken into account. All of these levels are slightly higher, but not significantly so, than the forecasts provided in the RLA.
- The impact on St Thomas district centre is forecast to be around -5%, which is slightly higher than the -2% forecast by the RLA.

In order to understand the significance of these impacts upon the city centre and St Thomas district centre, it is important to reiterate the contents of our May 2018 advice on the most recent Moor Exchange proposal. That advice indicated that the impact of that scheme was similar to the previous Moor Exchange which were heard at public inquiry in December 2015 and it was not ECC's case at the inquiry that this level of direct financial impact would lead to a significant adverse impact upon the health of the city centre. Therefore, given that (A) there is no evidence to suggest that there has been a material change in the health of the city centre in the intervening period, and (B) the direct financial impact of the Middlemoor proposal is lower (due to the restricted range of comparison goods), we see no reason to reach a conclusion that a significant adverse impact is likely to occur.

Therefore, whilst the Middlemoor proposal will have a negative impact upon the financial performance of the city centre, guidance within the NPPG advises that the positive and negative effects of the proposal should be considered alongside other material considerations in the overall planning balance. In particular, we recommend that the following issues are taken into account:

- The direct financial impact of the proposal on the turnover of the city centre, which should be considered a minor adverse impact;
- Given the scale of the proposed Class A retail floorspace – circa 14,100sq m – this will provide, to some extent, a rival shopping destination to the city centre although this would not be to the same extent as forecast for the Moor Exchange proposals due to the limitations on the range of goods which can be sold.
- Whilst retailer relocations from the city centre cannot be ruled out, they are unlikely so long as strict controls are kept in place in relation to the range of goods which can be sold from the Middlemoor development and also the size and number of units which are available.

Turning to St Thomas district centre, we do not consider that a suitably controlled Middlemoor retail development poses a risk to the future health of the centre. Whilst some trade diversion is forecast, the scale of trading overlap is limited and this will limit the risk for the future viability of the centre.

Impact on town centre investment

In line with our advice on the Moor Exchange proposals, the focus for the 'impact on investment' test will be Exeter city centre and St Thomas district centre. In relation to the city centre, the focus has been on investment at the BCS site and ECC held a concern that the original (2015/2016) Moor Exchange proposals would have a significant adverse impact upon the Crown Estate's redevelopment. Whilst the Inspector at the public inquiry shared this view, the Secretary of State's subsequent decision letter concluded that a significant adverse impact was not likely. This conclusion sets the benchmark for re-consideration of the 'impact of investment' issue and we consider that our advice to ECC in relation to the more recent Moor Exchange is applicable to the Middlemoor application:

".....there is no evidence / analysis to suggest that the current Moor Exchange proposal is likely to have a significant adverse impact upon investment on the BCS site. Indeed, even when there was a 'live' redevelopment scheme at the BCS site, the Secretary of State concluded that the prospect of a significant adverse impact was not likely. Given that the Crown Estate scheme, which was the focus for the previous assessment, has now been abandoned, we consider that it would be unreasonable to suggest that the risk of a likely significant adverse impact remains".

In relation to St Thomas district centre, the presence of large retail units at Exe Bridges has previously been the focus for attention in relation to investment issues. Like the Moor Exchange proposals, the Middlemoor development would also be able to provide large format retail stores although the controls proposed at Middlemoor in terms of the range of goods to be sold would differentiate both locations to a reasonable extent. Indeed, unlike Moor Exchange, the Middlemoor scheme would not be able to attract existing tenants at Exe Bridges save for Marks & Spencer. As a consequence, any concern over the impact on existing investment at St Thomas district centre although if ECC retains some residual concerns then the 'no poaching' restriction suggested for the most recent Moor Exchange proposal could be utilised here.

Summary and Conclusions

Given the planning policy status of the Middlemoor site, there is a need to consider whether the proposed retail floorspace meets the provisions of the sequential and impact tests, as set out in the development plan and national planning policy. Our assessment of these tests has taken into account the scale and nature of the proposed retail units and the controls offered by the applicant in terms of the format of the development and range of goods which can be sold. This has led us to

the conclusion that the Middlemoor proposal meets the provisions of the sequential test and is unlikely to have a significant adverse impact upon the health of, or investment within, nearby defined 'town centres'. This conclusion of course relies on a number of controls being imposed. Some of which are outlined earlier in this letter, but we repeat them here and also recommend additional controls:

- Limiting units R1-R8 to Class A1 retail purposes only;
- Placing controls on the sale of food to one foodstore of up to 1,951sq m gross and one other unit using no more than 15% of its net sales area for the sale of food;
- Restricting the range of comparison goods sales to those goods outlined earlier in this letter;
- Removing the ability to sub-divide units R1-R8;
- Limiting the amount of net sales area in units R1-R8 to 9,594sq m;
- Restricting Units P1-P3 to Class A3 use only; and
- Given their general non-bulky nature and their common sale from 'town centre' locations, limiting the sale of sports/leisure goods and toys/games to one unit each.

I trust that the contents of this letter provide you with the advice you require in relation to this planning application. However, if you have any queries, or require additional information and advice, then please do not hesitate to contact me.

Yours sincerely



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TABLE 1a: INDICATE TURNOVER OF MIDDLEMOOR (INCLUDING FOODSTORE)

	NET SALES AREA (sq m)	COMPARISON FLOORSPACE	CONVENIENCE FLOORSPACE	COMPARISON SALES DENSITY (£/sq m)	CONVENIENCE SALES DENSITY (£/sq m)	COMPARISON GOODS TURNOVER (£m)	CONVENIENCE GOODS TURNOVER (£m)
Total						£29.9	£9.3

Notes:

TABLE 1b: INDICATE TURNOVER OF MIDDLEMOOR (EXCLUDING FOODSTORE)

	NET SALES AREA (sq m)	COMPARISON FLOORSPACE	CONVENIENCE FLOORSPACE	COMPARISON SALES DENSITY (£/sq m)	CONVENIENCE SALES DENSITY (£/sq m)	COMPARISON GOODS TURNOVER (£m)	CONVENIENCE GOODS TURNOVER (£m)
Total						£35.3	£0.0

Notes:

TABLE 2a: CONVENIENCE GOODS IMPACT OF MIDDLEMOOR, 2021

STORE / CENTRE	PRE-IMPACT 2021 TURNOVER (£m)	DIVERSION TO COMMITMENTS (£m)	RESIDUAL TURNOVER (£m)	IMPACT OF COMMITMENTS (%)	DIVERSION TO MIDDLEMOOR (£m)	RESIDUAL TURNOVER (£m)	SOLUS IMPACT (%)	CUMULATIVE IMPACT (%)
Exeter City Centre								
Marks & Spencer, High Street, Exeter	£7.3	£0.1	£7.3	-0.7%	£0.28	£7.0	-3.8%	-4.5%
Sainsbury's, Guildhall Shopping Centre	£20.5	£0.1	£20.4	-0.5%	£0.19	£20.3	-0.9%	-1.4%
Other - Exeter City Centre	£33.8	£0.4	£33.4	-1.2%	£0.19	£33.2	-0.6%	-1.7%
Sub-total	£61.6	£0.6	£61.1	-0.9%	£0.7	£60.4	-1.1%	-1.9%
Heavitree district centre	£2.6	£0.1	£2.5	-1.9%	£0.04	£2.5	-1.5%	-3.4%
St Thomas district centre								
Co-op, Cowick Street, Exeter	£5.6	£0.1	£5.5	-0.9%	£0.00	£5.5	0.0%	-0.9%
M&S Simply Food, Albany Road, Exeter	£3.1	£0.0	£3.1	0.0%	£0.28	£2.8	-9.1%	-9.1%
Tesco Express, Cowick Street, Exeter	£6.5	£0.1	£6.4	-0.8%	£0.00	£6.4	0.0%	-0.8%
St Thomas District Centre	£1.2	£0.0	£1.2	0.0%	£0.00	£1.2	0.0%	0.0%
Sub-total	£16.4	£0.1	£16.3	-0.6%	£0.3	£16.0	-1.7%	-2.3%
Topsham district centre								
Co-op, Fore Street, Topsham	£2.7	£0.4	£2.3	-14.9%	£0.00	£2.3	0.0%	-14.9%
Topsham District Centre	£2.0	£0.3	£1.8	-12.5%	£0.00	£1.8	0.0%	-12.5%
Sub-total	£4.7	£0.7	£4.0	-13.8%	£0.0	£4.0	0.0%	-13.8%
Sidwell Street / Blackboy Road	£0.7	£0.0	£0.7	0.0%	£0.00	£0.7	0.0%	0.0%
Mount Pleasant	£0.0	£0.0	£0.0	0.0%	£0.00	£0.0	0.0%	0.0%
Magdalen Road	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Countess Wear (Topsham Road)	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Countess Wear (Glass House Lane)	£0.6	£0.0	£0.6	0.0%	£0.00	£0.6	0.0%	0.0%
Beacon Lane	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Polsloe Bridge	£0.3	£0.0	£0.3	0.0%	£0.00	£0.3	0.0%	0.0%
Pinhoe	£1.4	£0.0	£1.4	0.0%	£0.00	£1.4	0.0%	0.0%
Whipton	£1.9	£0.0	£1.9	0.0%	£0.00	£1.9	0.0%	0.0%
Exwick Road / Winchester Avenue	£0.2	£0.0	£0.2	0.0%	£0.00	£0.2	0.0%	0.0%
Isleworth Road	£0.0	£0.0	£0.0	0.0%	£0.00	£0.0	0.0%	0.0%
Exeter out-of-centre stores								
Aldi, Alphington Road, Exeter	£30.0	£1.2	£28.8	-4.0%	£0.37	£28.5	-1.3%	-5.2%
Aldi, Exhibition Way, Pinhoe	£20.9	£0.6	£20.3	-2.9%	£0.84	£19.5	-4.1%	-6.9%
Aldi, Topsham	£6.8	£0.0	£6.8	0.0%	£0.14	£6.7	-2.1%	-2.1%
Lidl, Burnthouse Lane, Exeter	£11.6	£1.3	£10.8	-6.9%	£0.56	£10.3	-5.1%	-11.7%
Lidl, Powlesland Road, Exeter	£8.5	£0.8	£7.7	-9.1%	£0.09	£7.6	-1.2%	-10.2%
Morrisons, Prince Charles Road, Exeter	£31.8	£0.7	£31.1	-2.1%	£0.84	£30.3	-2.7%	-4.8%
Sainsbury's, Alphington Road, Exeter	£40.5	£0.9	£39.6	-2.2%	£0.51	£39.1	-1.3%	-3.4%
Sainsbury's, Pinhoe	£47.3	£0.4	£46.9	-0.8%	£2.11	£44.8	-4.5%	-5.3%
Tesco Extra, Russell Way	£40.9	£2.6	£38.2	-6.4%	£1.72	£36.5	-4.5%	-10.6%
Waitrose, Gladstone Road, Exeter	£23.1	£0.4	£22.7	-1.7%	£1.02	£21.7	-4.5%	-6.2%
Iceland, Alphington Road, Exeter	£2.3	£0.0	£2.3	0.0%	£0.00	£2.3	0.0%	0.0%
Other	£3.6	£0.1	£3.5	-1.4%	£0.04	£3.5	-1.1%	-2.5%
Other	£1,054.0	£0.0	£1,054.0		£0.09			

Notes:
Pre-impact 2021 turnover taken from EWEEED study.

TABLE 3a: COMPARISON GOODS IMPACT OF MIDDLEMOOR, 2021 (INCLUDING FOODSTORE)

STORE / CENTRE	PRE-IMPACT 2021 TURNOVER (£m)	DIVERSION TO COMMITMENTS (£m)	RESIDUAL TURNOVER (£m)	IMPACT OF COMMITMENTS (%)	DIVERSION TO MIDDLEMOOR (£m)	RESIDUAL TURNOVER (£m)	SOLUS IMPACT (%)	CUMULATIVE IMPACT (%)
Exeter City Centre	£865.2	£9.7	£855.5	-1.1%	£15.85	£839.64	-1.9%	-3.0%
Heavitree district centre	£5.3	£0.0	£5.3	0.0%	£0.00	£5.28	0.0%	0.0%
St Thomas district centre	£8.7	£0.0	£8.7	0.0%	£0.40	£8.28	-4.6%	-4.6%
Topsham district centre	£6.8	£0.0	£6.8	0.0%	£0.00	£6.79	0.0%	0.0%
Sidwell Street / Blackboy Road	£2.4	£0.0	£2.4	0.0%	£0.00	£2.40	0.0%	0.0%
Mount Pleasant	£3.4	£0.0	£3.4	0.0%	£0.00	£3.40	0.0%	0.0%
Magdalen Road	£0.3	£0.0	£0.3	0.0%	£0.00	£0.31	0.0%	0.0%
Countess Wear (Topsham Road)	£0.8	£0.0	£0.8	0.0%	£0.00	£0.76	0.0%	0.0%
Beacon Lane	£0.2	£0.0	£0.2	0.0%	£0.00	£0.17	0.0%	0.0%
Polsloe Bridge	£0.1	£0.0	£0.1	0.0%	£0.00	£0.07	0.0%	0.0%
Pinhoe	£12.0	£0.0	£12.0	0.0%	£0.00	£12.03	0.0%	0.0%
Whipton	£3.4	£0.0	£3.4	0.0%	£0.00	£3.41	0.0%	0.0%
Exwick Road / Winchester Avenue	£0.3	£0.0	£0.3	0.0%	£0.00	£0.31	0.0%	0.0%
Isleworth Road	£0.0	£0.0	£0.0	0.0%	£0.00	£0.00	0.0%	0.0%
<u>Rydon Lane</u>	£27.3	£1.0	£26.3	-3.5%	£2.09	£24.23	-8.0%	-11.2%
<u>Alphington</u>	£12.7	£0.7	£12.0	-5.4%	£0.90	£11.11	-7.5%	-12.4%
<u>Marsh Barton</u>	£49.4	£4.0	£45.4	-8.2%	£1.50	£43.86	-3.3%	-11.2%
<u>Sowton</u>	£72.6	£4.4	£68.1	-6.1%	£2.39	£65.74	-3.5%	-9.4%
<u>Other</u>	£7.1	£0.0	£7.1	0.0%	£0.00	£7.06	0.0%	0.0%
Ikea	£48.0	£0.1	£48.0	0.0%	£5.38	£42.62	-11.2%	-11.2%
Other	£1,109.9	£29.9	£1,080.0	-2.7%	£0.90	£1,079.10	-0.1%	-2.8%

Notes:
Pre-impact 2021 turnover taken from EWEEED study.

TABLE 3b: COMPARISON GOODS IMPACT OF MIDDLEMOOR, 2021 (EXCLUDING FOODSTORE)

STORE / CENTRE	PRE-IMPACT 2021 TURNOVER (£m)	DIVERSION TO COMMITMENTS (£m)	RESIDUAL TURNOVER (£m)	IMPACT OF COMMITMENTS (%)	DIVERSION TO MIDDLEMOOR (£m)	RESIDUAL TURNOVER (£m)	SOLUS IMPACT (%)	CUMULATIVE IMPACT (%)
Exeter City Centre	£865.2	£9.7	£855.5	-1.1%	£18.71	£836.78	-2.2%	-3.3%
Heavitree district centre	£5.3	£0.0	£5.3	0.0%	£0.00	£5.28	0.0%	0.0%
St Thomas district centre	£8.7	£0.0	£8.7	0.0%	£0.40	£8.28	-4.6%	-4.6%
Topsham district centre	£6.8	£0.0	£6.8	0.0%	£0.00	£6.79	0.0%	0.0%
Sidwell Street / Blackboy Road	£2.4	£0.0	£2.4	0.0%	£0.00	£2.40	0.0%	0.0%
Mount Pleasant	£3.4	£0.0	£3.4	0.0%	£0.00	£3.40	0.0%	0.0%
Magdalen Road	£0.3	£0.0	£0.3	0.0%	£0.00	£0.31	0.0%	0.0%
Countess Wear (Topsham Road)	£0.8	£0.0	£0.8	0.0%	£0.00	£0.76	0.0%	0.0%
Beacon Lane	£0.2	£0.0	£0.2	0.0%	£0.00	£0.17	0.0%	0.0%
Polsloe Bridge	£0.1	£0.0	£0.1	0.0%	£0.00	£0.07	0.0%	0.0%
Pinhoe	£12.0	£0.0	£12.0	0.0%	£0.00	£12.03	0.0%	0.0%
Whipton	£3.4	£0.0	£3.4	0.0%	£0.00	£3.41	0.0%	0.0%
Exwick Road / Winchester Avenue	£0.3	£0.0	£0.3	0.0%	£0.00	£0.31	0.0%	0.0%
Isleworth Road	£0.0	£0.0	£0.0	0.0%	£0.00	£0.00	0.0%	0.0%
<u>Rydon Lane</u>	£27.3	£1.0	£26.3	-3.5%	£2.47	£23.86	-9.4%	-12.6%
<u>Alphington</u>	£12.7	£0.7	£12.0	-5.4%	£1.06	£10.95	-8.8%	-13.7%
<u>Marsh Barton</u>	£49.4	£4.0	£45.4	-8.2%	£1.77	£43.59	-3.9%	-11.8%
<u>Sowton</u>	£72.6	£4.4	£68.1	-6.1%	£2.82	£65.31	-4.1%	-10.0%
<u>Other</u>	£7.1	£0.0	£7.1	0.0%	£0.00	£7.06	0.0%	0.0%
Ikea	£48.0	£0.1	£48.0	0.0%	£6.35	£41.65	-13.2%	-13.2%
Other	£1,109.9	£29.9	£1,080.0	-2.7%	£1.06	£1,078.94	-0.1%	-2.8%

Notes:

Pre-impact 2021 turnover taken from EWEED study.

Agenda Item 7

COMMITTEE DATE: 22/07/2019

APPLICATION NO: 18/1330/OUT
APPLICANT: GPG Development Projects Ltd and Growen Estates Ltd
PROPOSAL: Mixed use development to provide town centre facilities comprising uses within Classes A1 (Retail), Class A2 (Financial and Professional Services), Class A3 (Cafes and Restaurants) with associated Drive-Thru's, Class A5 (Hot Food Takeaways), Class D2 (Assembly and Leisure) with associated means of access, access roads, service yards, car parking, infrastructure, public realm and landscaping (all matters reserved except access).

LOCATION: Land North of Honiton Road and West of Fitzroy Road, Honiton Road, Exeter, EX1 3RS

REGISTRATION DATE: 06/09/2018

EXPIRY DATE:

HISTORY OF SITE

11/1619/OUT -	Outline planning permission to erect a mixed use development comprising B1, B8, D1, D2, C1, A1, A3, A4 and A5 uses (means of access to be determined only)	PER	19.06.2012
12/0954/RES -	Hotel and restaurant (Approval of reserved matters following outline approval 11/1619/01 granted 19 June 2012)	PER	17.12.2012
13/5128/VOC -	Removal of condition 29 requiring a vehicular connection to the northern boundary of the site prior to the occupation of any retail unit (Ref. No. 11/1619/01 granted 19-06-2012)	PER	24.03.2015
14/1615/OUT -	Mixed use development to provide a District Centre comprising uses within some or all of Classes A1 (Retail) with associated Garden Centre, A2 (Financial and Professional Services), A3 (Restaurants and Cafes), A5 (Hot Food Takeaway), D1 (Non-residential institutions), D2 (Leisure), associated means of access, access road, car parking, infrastructure works, public realm and landscaping	REF APPEAL DIS & REF BY SOS	02.12.2014 30.06.2016
18/0076/OUT -	Outline application for mixed use development to provide town centre facilities comprising retail units (food and non-food) (Use Class A1) and restaurant units with ancillary drive-throughs (Use Class A3), together with associated access, access roads, service yards, car parking, infrastructure and landscaping (all matters reserved except access).	Withdrawn	20.08.2018

DESCRIPTION OF SITE/PROPOSAL

The site comprises 3.2ha of agricultural land to the east of Exeter. The site is in Pinhoe ward. The site is bounded by a Persimmon residential development site to the north, Fitzroy Road and Brewers Fayre/Premier Inn to the east, the A3015 ('Honiton Road') to the south and the Exeter to Exmouth railway line ('Avocet Line') to the west. Existing housing accessed off Wilton Way lies beyond the railway line to the west. Sowton Industrial Estate lies beyond Honiton Road to the south and the Met Office and Exeter Business Park lie to the north/northeast. The Preliminary Ecological Appraisal submitted with the previous application concluded that the site has limited habitat value.

The site is within the Monkerton/Hill Barton Strategic Allocation in the Core Strategy. This supersedes the Landscape Setting designation in the Local Plan First Review. The site is within the 'Sowton' character area in the Monkerton & Hill Barton Masterplan Study (November 2010), which recommended it for employment use with business community facilities. The site is in Flood Zone 1. There are no above ground heritage assets in the vicinity. The site is within Local Energy Network Area A and in an area identified as being potentially contaminated.

The application has been submitted in outline with all matters reserved except access. The proposal is to develop a mixed use development comprising uses within Class A1 (shops), Class A2 (financial and professional services), Class A3 (cafes and restaurants) with associated drive-throughs, Class A5 (hot food takeaways) and Class D2 (assembly and leisure), with associated access, access roads, service yards, car parking, infrastructure, public realm and landscaping. The application is a revision of the application that went to committee in August last year and was subsequently withdrawn (ref. 18/0076/OUT). Approval is sought for a maximum floorspace of 11,527 sq m (GEA) / 11,004 sq m (GIA) comprising 8,659 sq m A1, 465 sq m A2, 1,021 sq m A3, 116 sq m A5 and 743 sq m D2. The amount of floorspace has been reduced by about 13% compared to the previous application by removing all the mezzanines except for Unit A, which is a specific requirement of the intended occupier, Next Home. The amount of Class A1 floorspace has reduced by approximately 28% in favour of other uses. In addition, the applicants propose that between 1,000 sq m and 2,789 sq m of the A1 floorspace shall be used for the sale of convenience goods, one unit shall be provided for the sale of chemist and related goods (with or without a pharmacy) for a period of not less than 5 years, and a minimum of 116 sq m shall be made available for the provision of Post Office facilities.

Approval is also sought for a Parameters Plan. This is the same plan as the previous application, but Block B to the north has changed to a mix of A1, A2, A5 and D2 uses instead of entirely A1, and the three smaller buildings to the south are now all proposed for A3 uses. The largest block to the west is still proposed for A1 use.

The applicants have submitted suggested controls for the proposed floorspace. These include conditions restricting the maximum A1 net sales area to 7,552 sq m, a maximum of 13 units overall (4 in the west block, 6 in the north block and the 3 individual units to the south), at least one unit predominantly for the sale of convenience goods, and a minimum of 464 sq m predominantly for the sale of chemist and related goods (with or without a pharmacy). A condition prohibiting the amalgamation or sub-division of the units is also proposed, as well as a condition requiring any A1 retailers moving to the development who are already represented in a centre in the city to retain their existing stores for a minimum period of 5 years following occupation within the development. Apart from the anchor unit (Unit A), which is proposed to be allowed to sell clothing and footwear from up to 60% of the net sales area, one other unit in the west block is proposed to be allowed to sell clothing and footwear from up to 60% of the net sales area, and one unit in the north block is proposed to be allowed to sell clothing and footwear.

The access proposals have been submitted in detail and are the same as the previous application. The Highway Access Plan shows the redesign of the existing access road to the site off Fitzroy Road. It proposes to widen the carriageway to the north in order to incorporate an island and right turn lane into the Persimmon residential development site to the north. The plan shows a vehicle connection to the north up to the site boundary in order to connect to the road in the Persimmon residential site (ref. 17/0440/RES). The applicants have proposed the following condition concerning this access:

Prior to the first occupation of any of the retail (Class A1) units hereby authorised, or within four months of the provision to the local planning authority of written evidence and confirmation that a bona fide bus service provider is committed to service the route, whichever is the later, a highway connection to the adjoining land to the north shall be provided in accordance with the details shown on the approved drawing (ref: PHL_01_B). The connection shall be at all times restricted to buses using an Automatic Number Plate Recognition system linked to automated barrier controls, or alternative means of control, to be submitted to, and approved in writing by, the local planning authority. The restrictions shall subsequently be maintained at all times in good and effective working order to ensure that the use of the route is restricted to buses in perpetuity.

REASON: To prevent a severe impact on the local transport network and ensure that safe and suitable access is provided for vehicles, in accordance with Section 4 of NPPF, Aim 4.1 of the Monkerton & Hill Barton Masterplan and Policy CP19 of the ECC Core Strategy.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Cover letter (Rocke Associates, 6 September 2018)
- Design & Access Statement REV B (Fletcher Rae, September 2018)
- Retail Assessment (Mango, January 2018)
- Chase & Partners letter 24 January 2018 (Material Changes in the Exeter Retail Development Market)
- Economic Impact Assessment (Regeneris, 14 March 2018)
- Transport Assessment (Vectos, December 2017)
- Traffic Distribution Technical Note (Vectos, April 2018)
- Air Quality Assessment (Ramboll, 26 January 2018)
- Ramboll letter 23 July 2018 (Updated Addendum Air Quality Assessment)
- Flood Risk Assessment Revision C (HBS, January 2018)
- Noise Assessment for Planning Application (Inacoustic, 16 March 2018)
- Geophysical Survey Report (Stratascan, April 2010)

Additional Information Submitted During Application

- Transport Addendum (Vectos, October 2018)
- Ramboll letter 25 October 2018 (Updated Addendum Air Quality Assessment – Revised Scheme)
- Air Quality Assessment Revision 2 (Ramboll, February 2019)

REPRESENTATIONS

8 representations have been received, 6 objections and 2 neutral. The issues raised in the objections were:

- The large retail units do not serve the local Hill Barton residential community and detract from Exeter City Centre.
- Service road runs parallel to private homes.
- Close proximity of service yard to residential properties.
- Impact of noise and emissions on residential properties.
- Encouraging more traffic via Fitzroy Road entrance is encouraging more traffic into a congestion area.
- Lack of roads to development – impact on Fitzroy Road.
- Will significantly increase traffic congestion and pollution in this location.
- Existing eateries nearby already.
- Developer should build a new train station and car park to reduce traffic and congestion in the area.
- New train station would connect with coach services on Honiton Road.
- Impact on city centre retailers.
- Application does not address major issues of last application – impact on already unsustainable transport infrastructure; contrary to local plans to provide local amenities for people within walking distance.
- Amendments do not significantly change the scale of the development and how it could be considered a “local centre”.
- No evidence that a post office and bank are deliverable on the site.
- Economic Impact Assessment has not been updated and is out of date.
- Impact of additional vehicular movements within masterplan area.
- Does not enhance permeability of masterplan area.
- Does not assist the delivery of important strategic routes, such as the Oberon Road access into Hill Barton.
- Severe impact on strategic highway network.
- Massing of retail units severely impacts on the amenity of family dwellings.
- Out of character and scale with the context.
- Noise and air quality impacts of service yards etc. on family dwellings within 15-20m.
- Extended operation hours proposed into the evening will affect health and well being of local residents.
- Servicing yards require full flood lighting surveillance for health and safety, and often needs to remain in place for security – constant light pollution will impact on dwellings.
- No information on delivery hours.
- No effort has been made to market the site for business/employment uses in accordance with the Monkerton DPD.
- Fails to comply with Policy CP19.
- Impact on town centres, including Cranbrook.
- No sequential test in relation to Cranbrook, which is available and suitable for town centre development.
- Impact on committed and planned investment at Cranbrook.
- Will undermine the positively planned strategy for Exeter and East Devon that includes a clear strategy and hierarchy of defined centres.

The issues raised in the neutral comments were:

- Will provide facilities for local workers/residents.
- Flaws in transport plan – opportunity for railway station and should be two in-bound lanes on Honiton Road from Moor Lane roundabout to Fitzroy Road to deal with queuing traffic.
- Site is not attractive to Lidl – compromised visibility, convoluted access and incompatible design.

CONSULTATIONS

Highways England: No objection – In support of the application the applicant has resubmitted the Transport Assessment previously accepted for the January 2018 application (18/0076/OUT) which assumed a higher quantum of overall floorspace, and specifically A1 retail (13% and 28% respectively). It is accepted that such a reduction in the proposed development mix is unlikely to cause an increase to the trip generation and impact already accepted for the previous application, so in view of this Highways England is content that the development is unlikely to have a severe impact on the operation of the SRN.

Local Highway Authority (DCC): The revised proposal will generate less traffic than the previous scheme, i.e. reduction of c.140 two-way trips in the weekday PM peak hour and c.190 trips in the peak weekend period. To avoid a highways objection, it is essential that a pedestrian/cycle link is provided through the site to connect with the Persimmon housing site. It is also essential that a bus/pedestrian/cycle only link is provided to the Persimmon site and secured by s106 and/or condition. S278 works the same as the previous application and welcomed. Electric vehicle parking spaces welcomed. Cycle parking/changing facilities should be provided in accordance with Sustainable Transport SPD. Tracking diagrams have not been provided to demonstrate that service vehicles can turn in the service yard, although it looks possible from the plans. A Travel Plan will be required. See conditions/s106 requirements relating to 18/0076/OUT.

Lead Local Flood Authority (DCC): No in-principle objection, however the applicant should clarify the change in the 'trial pit depth' of SA2 over the three tests. If trial pit logs have been produced, the applicant should submit these. Further infiltration testing is required at the locations and depth proposed for any infiltration device. The applicant should consider the risk of contamination reaching the groundwater when designing the detailed surface water drainage system. The applicant should note that when infiltration is proposed we would require 12 months of groundwater monitoring as per our Devon County Council SuDS Guidance (2017) for any reserved matters application. Pre-commencement conditions recommended.

Exeter International Airport: The proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria at this stage, however the maximum allowable height for any construction related equipment in that area is 25m above ground level. To avoid confusion with aeronautical ground lights it is recommended that any proposed lights, especially street and car park lighting are full cut off and mounted horizontally so that light is not emitted above the horizontal. Any developments, especially those close to the approach and take off surfaces must not display high levels of lighting.

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. Safeguarding notes attached, which all developers and contractors must abide by during construction and commissioning. Exeter Airport has no safeguarding objections to this development provided that all safeguarding criteria are met and there are no changes made to the current application.

Network Rail: No objection in principle, subject to conditioning asset protection comments concerning: fencing, drainage, safety, site layout, piling, excavations/earthworks, signalling, environmental issues, landscaping, and plant, scaffolding and cranes.

Natural England: No comments. Refer to standing advice in regard to protected species and ancient woodland/veteran trees.

RSPB: Lack of detail on how DAS aspirations to achieve a responsible development will be achieved. A wildlife and landscape management plan would be helpful. Green roofs and living walls would enhance biodiversity and surface water retention, and enhance the appearance of the development. Recommend following guidelines in RIBA Publications' 'Designing for Biodiversity' 2nd Edition, page 101.

South West Water: No response (did not object to previous application).

Devon & Somerset Fire & Rescue Service: No objections provided requirements of Approved document B are met. Devon & Somerset Fire & Rescue Service will deal with any issues of fire service access and other fire safety measures under the statutory consultation process under the Building Regulations 2010. There may be additional requirements to provide an adequate water supply (e.g. fire hydrants), although these can be dealt under the Building Regulations. If a fire hydrant is required the developers should be made aware now. The developer is recommended of the importance of the consideration of sprinkler protection of the proposed development at the earliest possible stage.

Designing Out Crime Officer, Devon and Cornwall Police: Security rated fencing along boundary with railway should be considered. Acoustic fence should be robust. Remaining borders should be 'controlled' boundaries. The site arrangement will allow natural surveillance. Confirmation of opening hours required. Extended opening hours can attract anti-social behaviour. If some units intend to open 24 hours, measures required to provide access, but restrict access to remainder of development. Pedestrian access points should be direct, wide, well-lit and overlooked. Planting abutting pathways should be avoided. CCTV needed to monitor vehicle access point. Vehicular access control needed. Protection from hostile or accidental vehicles should be provided to the front curtilages of the retail units and access to pedestrian walk ways. The area to the rear of units A-D should be secured and access to the service lane needs to be controlled and managed. CCTV systems for development should be conditioned. Internal planting should be ideally ground covering and reach a max height of 500mm. Trees should have reduced canopy width and height verities to maximise CCTV coverage and reduce conflict with lighting. Secure cycle parking standards provided. Confirmation needed of the management policies of the site. Retail spaces on the outskirts of town close to main arterial roads can be targeted by organised shoplifting teams. It is important to maintain an intelligence link with EBAC (Exeter Businesses Against Crime) which is run and controlled by Exeter City Council if possible.

East Devon District Council: No response (objected to previous application).

Exeter Civic Society: The provision of additional retail facilities within this revised application now brings the proposals closer to providing the facilities needed for a Local Centre as proposed in the Council's Monkerton Masterplan. Not entirely happy with facilities proposed – will make representations with applicant to encourage a change in layout and improved facilities for local users. Large retail units will harm the vitality and viability of the city centre and other retail centres. Accept that a small supermarket such as the proposed M&S outlet, a chemist such as the proposed Boots outlet, a mother and child outlet such as Mothercare, and a coffee shop and 'fast-food' outlet are suitable for a modern Local Centre. Supportive of the inclusion of small units for a Post Office, Newsagent and take-away that may support small businesses, and a bank, but the applicant should be required to ensure the survival of these businesses, including establishing affording rental rates in perpetuity. Question viability of stand-alone Post Office. The amount of car parking should be reduced. If the application is approved, the pavement along the north side of Honiton Roads should be widened to 3m and other access improvements carried out for cyclists. Bus stops and shelters should be provided on the proposed bus route. The height of buildings where

mezzanines have been removed should be reduced to protect the amenity and outlook of the adjacent housing.

Exeter Cycling Campaign: Objects – Impact on air quality, insufficient provision of cycling infrastructure and non-compliance with the adopted Monkerton and Hill Barton Masterplan. Limited bus services around immediate area. Transport by private vehicle is more convenient. Parking will increase this problem. No need for drive-through facilities. Inconvenient access for pedestrians and cyclists. Prioritises private transport, so would increase car traffic on surrounding roads inhibiting development of a naturally active area.

Environmental Health (ECC): Objects – Adverse impact on air quality and insufficient mitigation of air quality impacts at East Wonford Hill. Cumulative impact has not been considered. Should agreement be reached over this issue, no objection subject to conditions (CEMP, Litter Management, Kitchen Extraction, Lighting, Noise, Contaminated Land).

Arboricultural Officer: Stated “Quite relaxed about this one, we will need a very good landscape plan showing container grown trees planted on/close to the boundary of the site, and within the site, as shown on their indicative layout.”

Heritage Officer (ECC): No archaeological implications or requirements in relation to the proposed development. Previous work was undertaken on the site and did not identify any significant buried remains.

NB. Should the Planning Committee resolve to approve the application, the Secretary of State for the Ministry of Housing, Communities & Local Government will need to be consulted in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 before the decision is issued.

PLANNING POLICIES/POLICY GUIDANCE

Government Guidance

National Planning Policy Framework (NPPF) (July 2018)
Planning Practice Guidance (PPG)

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives

CP1 – Spatial Strategy

CP8 – Retail

CP9 – Transport

CP11 – Pollution

CP12 – Flood Risk

CP13 – Decentralised Energy Networks

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

CP18 – Infrastructure

CP19 – Strategic Allocations

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

AP1 – Design and Location of Development

AP2 – Sequential Approach

S1 – Retail Proposals/Sequential Approach

S2 – Retail Warehouse Conditions
S5 – Food and Drink
T1 – Hierarchy of Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
LS4 – Nature Conservation
EN3 – Air and Water Quality
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG3 – Commercial Development

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

W4 – Waste Prevention
W21 – Making Provision for Waste Management

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

DD1 – Sustainable Development
DD5 – Access to Jobs
DD13 – Residential Amenity
DD20 – Accessibility and Sustainable Movement
DD21 – Parking
DD26 – Designing out Crime
DD30 – Green Infrastructure
DD31 – Biodiversity
DD32 – Local Energy Networks
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents

Sustainable Transport SPD (March 2013)

Devon County Council Supplementary Planning Documents

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

OBSERVATIONS

The key issues are:

1. The Principle of the Proposed Development
2. Access and Impact on Local Highways
3. Parking
4. Impact on Air Quality
5. Impact on Amenity of Surroundings
6. Impact on Trees and Biodiversity
7. Flood Risk and Surface Water Management
8. Sustainable Construction and Energy Conservation

1. The Principle of the Proposed Development

This application is a revision of a similar application that was determined by the Planning Committee in August last year, but was withdrawn before the decision notice could be issued. Members had resolved to refuse the previous application, due to its conflict with Policy CP19 for not being a local centre, and concerns raised over its impact on the vitality and viability of defined centres in the city, as well as traffic and amenity impacts. The resolution had been against the officers' recommendation to approve the application with conditions and a s106 legal agreement.

These applications followed an application for a mixed use development to provide a District Centre in 2014 that was subsequently refused and dismissed at appeal by the Secretary of State in 2016. The Secretary of State's decision is a material consideration.

This revised application is one of four pending applications for significant retail and associated development along the Honiton Road corridor to the east of the city. Following Members' resolution of the previous application, all four applications are being brought to committee at the same time, so that a choice can be made on which should be approved taking into account their merits and cumulative impacts. This follows the advice of the Council's external retail consultant, Avison Young (formerly GVA). For information, the other pending applications are listed below:

- 18/0368/OUT – Outline application for the demolition of existing structures, site remediation and redevelopment to provide Classes A1 (retail), A3 (Cafes and Restaurants), associated access, internal circulation, service yards, parking, landscaping, public realm works, infrastructure and dedication of land for improvements to Honiton Road (all matters reserved except access). (At WPD Depot, Moor Lane)
- 18/0983/OUT – Outline planning permission for a retail park (Class A1) along with complementary cafe/restaurants (Class A3) including means of access (all other matters reserved). (At B&Q, Avocet Road, Sowton Industrial Estate)
- 18/1007/FUL – Demolition of existing buildings and construction of a mixed use development comprising Class A1 retail units; Class A1/A3/A5 food and drink units with drive through facilities; Class D2 health & fitness use; management office, customer toilet facilities, and associated access, parking, and landscaping. (At Police Headquarters, Devon And Cornwall Constabulary Police Training College, Alderson Drive)

Since the previous application went to committee, the applicants have worked with officers to try and address Members' concerns. As a result the amount of floorspace in the revised application has reduced by about 13% and the amount of A1 retail floorspace has reduced by about 28%. In place of the A1 retail floorspace, the applicants are now proposing to provide a bank (A2 Use Class), a takeaway (A5 Use Class) and a gym (D2 Use Class). They have also increased the amount of A3 floorspace to provide an additional restaurant/café. This is alongside the previous commitments of ensuring that between 1,000 and 2,789 sq m of the A1 net sales area shall be used for the sale of predominantly convenience goods, facilitating the incorporation of at least one supermarket, and a unit of no less than 464 sq m shall be provided for the sale of predominantly chemist and related goods (with or without a pharmacy) for a minimum period of 5 years. The applicants have also committed to providing a post office, although it is at present less certain how this will be secured.

Therefore, the proposal is now more mixed than the previous scheme in an effort to provide a wider range of shops and facilities for local residents and the business community. While this application is only to establish the principle of the development and details of access to

and within the site, discussions have also been made on providing a pedestrian/cycle link to the north boundary in accordance with the Local Highway Authority's comments, and reducing the number of parking spaces in favour of more landscaping and a public space to create a more pedestrian friendly environment. Revised illustrative plans are expected shortly.

In terms of the principle of the development, Members are recommended to read the committee report for the previous application (ref. 18/0076/OUT) as background information. However, the key issues are summarised below.

Development Plan

The Secretary of State refused the 2014 application due to the scale of the development, which was considered to 'go well beyond any reasonable interpretation of a local centre'. It therefore conflicted with Policies CP19 and, less specifically, CP8, which were considered up-to-date. Officers and Members considered that the previous 2018 application also did not meet the description of a local centre, due to its scale and mix of A1/A3 uses only. However, officers came to the view that other material considerations outweighed this conflict. These issues are discussed below. While the revised proposal is still of a scale that is difficult to describe as a local centre, the scale has reduced since the previous application and it now includes a wider range of uses to serve the local community.

Sequential Test

The 2014 application was also refused because it failed the sequential test, as there was at the time a sequentially preferable site at the Bus and Coach Station (BCS) site that was deemed to be suitable and available for the proposal. In 2018 GVA advised the Council that this was still the only potential sequentially preferable site, but while it was still available for redevelopment it was much less certain that it was suitable, due to the challenging market conditions that persisted for retail development and had led to the developers of the site pulling out of a scheme to redevelop it for retail use in 2017. GVA also advised that if the proposal guaranteed the delivery of a large foodstore, the BCS site would not be suitable. Officers came to the view on the previous application that the BCS site was not viable for retail development and therefore could not be considered to be a suitable alternative site. This still remains the case. It should be noted that the suggested conditions do not guarantee the delivery of a large food store, as shown on the illustrative plans, but they would guarantee the delivery of the smaller food store, indicated as M&S. However, this does not mean that a large food store could not also come forward on the site.

Once again representations have been made suggesting that Cranbrook Town Centre should be included in a sequential assessment for the proposed scheme. The Council did not require this for the 2014 application and it was not questioned by the Inspector or Secretary of State. In addition, the NPPF defines a town centre as an area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. This is not the case with Cranbrook Town Centre at the current time.

Impact Test

The Secretary of State concluded that the 2014 application would not have a significant adverse impact on the vitality and viability of the City Centre, or Cranbrook and Exe Bridges Retail Park (within St Thomas District Centre), and it would not have a significant adverse impact on the planned investment at the BCS site at the time. The current proposal is significantly smaller than the 2014 proposal, so is likely to have a smaller impact. Avison Young have calculated the impact of the revised proposal on the City Centre as 2-3% for

both convenience and comparison goods, while the impact on St Thomas District Centre will be 4-5% for convenience goods and 7% for comparison goods. These financial impacts are slightly less than the previous applications and therefore cannot be considered to be significantly adverse. Furthermore, there is no longer a retail investment project planned for the BCS site.

Avison Young have also carried out a cumulative retail impact assessment of this application and the applications on the WPD Depot and B&Q sites. This assessment is attached. It did not include the application on the Police Headquarters site, due to an objection by the Local Highway Authority to this scheme over the access arrangements. The cumulative assessment concludes that only one of the proposed schemes should be permitted to avoid significant adverse impacts on Exeter City Centre and St Thomas District Centre. Provided the applications are acceptable in all other respects, this requires a judgement to be made over which application should be approved. Officers consider that the salient factors in making this determination should be the accessibility of the sites to the local community by sustainable modes of travel and how well the proposals serve the local community's day-to-day needs. Due to its close proximity to housing in Hill Barton Vale and wider mix of uses that have been introduced, this application is considered to be the most sustainable out of the three.

In addition, paragraph 87 of the NPPF states that when considering out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Unlike the WPD Depot and B&Q sites, there are bus stops on Honiton Road directly adjoining the site with regular services to/from the City Centre. The proposal includes three pedestrian access points to Honiton Road in close proximity to the bus stops and a new Toucan Crossing of Honiton Road. Therefore, it is considered to have the best access to the City Centre out of the three proposals.

Other Material Considerations

The Secretary of State weighed the sustainability benefits of the 2014 application to see if they indicated the application should be approved against Policies CP19 and CP8. The SoS concluded they did not based on the proposed scheme having moderate economic benefits, due to the risk to the BCS site scheme at the time, moderate social benefits and limited harm environmentally. Officers carried out the same exercise on the previous application, concluding that it would have significant economic benefits, moderate social benefits (subject to conditions controlling the retail floorspace) and limited harm environmentally (subject to securing air quality mitigation). Officers consider the revised proposal will still have significant economic benefits, but will also now have significant social benefits, due to the increased mix of uses that have been introduced to serve the local community. It can still be said to have limited harm environmentally, although the applicants are making efforts to improve pedestrian/cycle permeability to and within the site, as well as provide more tree planting and make it more attractive to pedestrians. Cycle parking will be required in accordance with the minimum standards in the Sustainable Transport SPD and the applicants have also committed to providing a high number of electric vehicle charging points. As the application is in outline, these measures will need to be secured by conditions.

Conditions

The applicants have suggested retail control conditions broadly similar to those recommended by officers for the last application. These have been tightened up by officers to better reflect the application as submitted. In terms of Unit A intended to be occupied by Next Home, since the last application was taken to committee officers have seen that the Next Home store that recently opened on the edge of Plymouth was consented with a condition permitting the sale of clothing, footwear and clothing fashion accessory goods from

up to 40% of the net sales area, not 60%. The remainder of the net sale area is used for the sale of home furnishings, furniture, kitchen and bathroom fittings, lighting, DIY and decorating products, electrical items, garden goods and ancillary goods. A small ancillary café is also permitted. In the absence of any evidence confirming why 60% is necessary for the particular occupier, officers consider the same percentage restriction should be applied to the proposal.

Conclusion

While the application is still considered to conflict with Policy CP19 for not fitting the definition of a local centre in the Core Strategy, the significant economic and social benefits of the scheme are considered to outweigh this. Furthermore, the scheme is considered to be the most sustainable out of the three applications that have been assessed in the cumulative retail impact assessment, as it is the nearest one to housing being built at Hill Barton Vale, has the most balanced mix of uses and the best public transport accessibility to the City Centre in accordance with NPPF paragraph 87. There are no sequentially preferable sites available that are suitable for the development and individually it will not have a significant impact on the vitality and viability of the City Centre or St Thomas District Centre. Therefore, it is recommended for approval. If it is refused for conflicting with Policy CP19, this will open the door to one of the other applications on the WPD Depot and B&Q sites, which are considered to be less sustainable in terms of their accessibility by sustainable modes of travel and what they offer to the local community.

It should be noted that a separate application for Unit A to bring Next Home to the city on any unrestricted out-of-centre site would pass the retail sequential test and impact test at the current time, due to the amount of floorspace comprised within it. It's also understood this brand primarily targets out-of-centre not in-centre sites. This is the anchor unit for the scheme. It will support the delivery of the other uses, including a supermarket, chemist, bank, takeaway and gym. It's considered that these uses will serve a local centre function, albeit alongside other retail floorspace and restaurants, two of which with drive-through facilities. However, Members should bear in mind the failure of the market to deliver a traditional local centre to serve the needs of the local community in this area to date.

In terms of the layout of the development favouring cars over pedestrians and cyclists, it should be noted that 'layout' is a reserved matter and the layout of the scheme will come back to committee at reserved matters stage for future determination. The layout shown on the plans is not fixed at this stage. There is clearly a balance to be struck between the requirements of tenants for easily accessible car parking and the Local Planning Authority of promoting and emphasising sustainable modes of travel in accordance with local and national planning policy to reduce the impacts of climate change. It's considered that more work could and should be done in this respect, which officers will negotiate during the relevant reserved matters stage.

2. Access and Impact on Local Highways

Vehicular access to the site will be via the existing vehicular access off Fitzroy Road. The access road will be widened to the north in order to incorporate a right turn lane to a new vehicle connection to be provided on the north boundary with the purpose of connecting to the highway permitted on the neighbouring Persimmon residential site (ref. 17/0440/RES). This vehicle connection is intended to be bus/pedestrian/cycle only and was discussed with the applicants at pre-application stage. It must be provided in accordance with Policy CP19 requiring a green infrastructure framework for the Monkerton/Hill Barton area and the Monkerton & Hill Barton Masterplan, showing movement connections between the sites for permeability.

The applicants raised concerns over the management of the link, suggesting barriers or another means of control should be used to stop private vehicles using it as a rat-run. However, Stagecoach stated that physical barriers or bollards will not be acceptable. They advised it should be designed as a short section of bus lane in both directions with appropriate signage and CCTV. It will be blocked with a concrete barrier until such a time as a bus service requiring its implementation is inaugurated. Officers consider this link is fundamental to any development on the site and it should be secured in accordance with Stagecoach's comments prior to the occupation of the development by a suitably worded condition.

A condition should also be added securing the three pedestrian access points shown on the plans from Honiton Road prior to the occupation of the development. The Local Highway Authority has also strongly recommended securing provision of a pedestrian/cycle connection through the site from Honiton Road through to the pedestrian/cycle path on the adjoining residential site to the north, or they will raise a formal objection. This has been discussed with the applicants and should also be secured by condition to enhance sustainable travel.

The Local Highway Authority did not object to the traffic generation of the previous application, subject to the development funding the following highway improvement works: widening approximately 100m along Honiton Road frontage, relocating the eastbound bus stop, Toucan crossing, amending traffic signals and moving the stop line of Honiton Road (eastern arm) forwards. These mitigation works are proposed again, although notably the revised scheme will generate c.140 fewer two-way trips during the weekday PM peak hour and c.190 fewer two-way trips during the weekend peak hour. These works should be secured by condition/s278 agreement.

The Local Highway Authority has also recommended conditions for a comprehensive Framework Travel Plan and Construction Method Statement, including access arrangements and timings and management of arrivals and departures of vehicles.

3. Parking

The submitted plans still show a large car park on the site comprising 408 spaces, including 26 disabled and 12 parent and child. The plans state that 20 electric vehicle charging points will be provided, although the applicants offered to double this during the course of the last application. They also state that 16 motorcycle and 72 cycle spaces will be provided.

As discussed above, 'layout' is a reserved matter, therefore the number of parking spaces will not be fixed as part of this application. However, the applicants are preparing revised illustrative plans showing fewer car parking spaces and more public open space for pedestrians to demonstrate how a satisfactory layout could be achieved to meet the aspirations of the Council, as well as incoming tenants. An historic, although dated, example of a centre with a similar layout in the city is St Thomas Shopping Centre off Cowick Street.

For information, the indicative car parking standards set out in Table 3 of the Sustainable Transport SPD state that 1 space per 14 sq m (GIA) is required for food retail, 1 space per 20 sq m for non-food retail and 1 space per 22 sq m for D2 uses. This means that approximately 607 car parking spaces should be provided if the maximum floorspace applied for and both foodstores shown on the plans are delivered going by the adopted SPD. As far as this raises concerns about potential over-spill parking on surrounding roads or in the Park & Ride car park, parking accumulation calculations were carried out for the previous, larger proposal, which confirmed that a maximum of 167 spaces will be required during weekdays and 218 spaces on Saturdays. This shows that there is scope to reduce the amount of car parking on the site, which will be addressed at reserved matters stage.

Stagecoach raised concerns regarding the implications for the Park & Ride site. It is therefore proposed to add a condition requiring a car park management strategy to ensure that appropriate restrictions are in place to prevent permanent parking in the car park, which may lead to overspill parking in the Park & Ride car park.

The Sustainable Transport SPD requires a minimum of 4 + 4% of the total capacity of the car park for disabled users. It also states that retail facilities should be future-proofed to provide charging points for electric vehicles. A condition should be added securing disabled spaces and electric charging points accordingly.

The Sustainable Transport SPD includes minimum cycle parking standards for staff and visitors/customers, as well as design guidance on security. It also states that where more than 20 people are to be employed, showers, lockers and space to dry clothes must be provided in accordance with Policy T3(c). Conditions should be added securing these facilities in the development accordingly.

4. Impact on Air Quality

Officers negotiated a contribution of £294k to upgrade the buses on the 4/4A/4B route to Euro VI standard, which are far less polluting than the older buses currently operating on the route, as a way to mitigate the impact of the 1,870 extra vehicle trips through the nearby Air Quality Management Area (AQMA) for the last application. Due to the reduction in floorspace, the number of trips through the AQMA has reduced to 337 (18% of the former). A proportional contribution would therefore be £52,920. However, this would only upgrade one bus out of the seven operating on the route and Stagecoach have informed officers that this would not be practical for various reasons, therefore alternative mitigation, such as additional electric vehicle charging points, should be sought. As the number of trips through the AQMA has reduced significantly, officers consider that securing the sustainable travel connections discussed above, a Travel Plan, electric vehicle charging points and cycle parking that exceeds the minimum standards will be sufficient mitigation for the proposal.

5. Impact on Amenity of Surroundings

Persimmon on behalf of the Hill Barton Consortium have objected to the application, due to the impact of the proposal on the amenity of the adjoining dwellings in terms of noise, air quality, external lighting, outlook and daylight from scale and massing. Whilst layout and scale are reserved matters, the applicants have sought approval for the submitted Parameters Plan showing the location of the buildings on the site and their maximum heights. The minimum separation distance between the dwellings and the building to the west on the Parameters Plan is 20m, whilst the minimum distance between the dwellings and building to the north is 22m. Paragraph 7.24 of the Residential Design SPD requires a minimum distance equal to twice the height of the blank/largely blank wall between buildings, where habitable room windows face onto a blank or largely blank wall of another building. Therefore, if the layout remained the same, the maximum height of the building to the west would have to be 10m and the maximum height of the building to the north would have to be 11m.

It was proposed to add a condition to deal with this issue for the last application, but the applicants suggested it was unnecessary as both layout and scale are reserved matters. This demonstrates that Members should not place too much stock in the submitted plans for this outline application. The physical relationship of the proposals to the dwellings to the north will be an important material consideration at the relevant reserved matters stage and will be fully assessed by officers and Members at that stage.

A condition should be added to secure shadow path diagrams as part of the reserved matters to ensure there will be no adverse impact on the neighbouring residential properties from extensive and prolonged overshadowing.

The applicants have submitted a noise assessment, which takes into account the provision of a 3m high acoustic barrier along the north boundary that the applicants had understood would be provided by Persimmon. However, Persimmon consider the acoustic barrier must be provided by the developers, as the noise impact will be caused by the retail development. The assessment was undertaken for both daytime and night-time periods. It concludes that no mitigation will be required for the plant, as it will be 'low impact', delivery vehicles will result in no greater than negligible impact by day and minor impact by night, and customer vehicles will result in no impact. Environmental Health have raised no objections regarding noise, subject to the imposition of conditions to: prohibit deliveries between the hours of 11pm and 6am, provision of an acoustic fence along the north boundary prior to occupation of the development (details to be agreed with the LPA) and noise not exceeding 5dB above background noise levels to be demonstrated following first occupation and maintained thereafter. These conditions should be added accordingly.

Given the visual impact of the acoustic fence, officers consider that landscaping should be provided adjacent to it within the site to soften its appearance and this should be a specific requirement of a detailed landscaping scheme for the site to be conditioned. This will also help mitigate the visual impact of the development from the housing provided it is taller than the fence. Details of the location and design of the waste storage facilities for the retail units on the site should also be provided as part of the reserved matters and conditioned in the interests of the amenity of the area, in particular the neighbouring residential properties. A Waste Audit Statement should also be conditioned in accordance with Devon County Council's SPD.

Details of external lighting should be conditioned, including isoline drawings of lighting levels and mitigation where necessary, to protect the amenity of the neighbouring residential properties and protect wildlife (as well as safeguard Exeter Airport). Environmental Health have also recommended conditions for a Construction Method Statement, litter management plans (for the food uses) and kitchen extraction details (for the food uses), in the interests of the amenity of the area.

6. Impact on Trees and Biodiversity

A tree survey has not been submitted, however there are no trees on the site except for a few within the embankment along the west boundary with the railway line. These are indicated as either being retained or replaced, together with additional tree planting along the south boundary, on the Parameters Plan. There are also trees within the hedgerow to the north, although this hedgerow is on the neighbouring site. There is an opportunity to provide new tree planting as part of a landscaping/green infrastructure scheme for the site in accordance with Policies CP16, CP17, CP19 and DG1. Landscaping details will be required for the reserved matters and a condition should be added securing a detailed landscaping scheme. A tree/hedgerow protection condition should also be added where these are to be retained, including those on the neighbouring site.

An ecology report has not been submitted with the application, but a Preliminary Ecological Appraisal was submitted with the previous application that concluded that the site has limited ecological value. The only features with some habitat value are the hedges, particularly the northern hedge, although this hedge is not within the site. The report recommends mitigation measures to protect and enhance biodiversity in accordance with the NPPF. The recommended measures in the report include: minimising light-spill from security or road lighting; planting a new native species hedge between the site and the grounds of the

adjoining hotel; installing ten open-fronted and hole bird nest boxes on buildings to the north of the site; and provision of green open spaces and landscaped areas within the development. A limited amount of monitoring is also recommended to ensure the mitigation and enhancement measures are carried out in accordance with the landscape plan or a Landscape and Ecological Management Plan (LEMP). These measures should be taken into account at reserved matters stage and a Wildlife Plan condition should be added.

With reference to The Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.

7. Flood Risk and Surface Water Management

Policy EN4 does not permit development if it would be at risk of flooding. The site is within Flood Zone 1 and the proposed use is classified as 'less vulnerable' (see PPG). 'Less 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. The proposed surface water drainage strategy incorporates soakaways beneath the car park and service yard to the west. The Lead Local Flood Authority is Devon County Council. They have no in-principle objection, subject to the imposition of pre-commencement conditions securing the detailed design of the system and a programme of percolation tests.

8. Sustainable Construction and Energy Conservation

Policy CP13 requires new development with a floorspace of at least 1,000 sq m to connect to any existing, or proposed, Decentralised Energy Network in the locality to bring forward low and zero carbon energy supply and distribution. The proposed development will exceed this floorspace and the site is located in one of the network areas. Therefore a condition is required to ensure the building is connected to the network or is constructed to be connected in the future.

Policy CP15 requires all non-domestic development to achieve BREEAM 'Excellent' standards from 2013. A condition should be added securing a BREEAM design stage assessment report and post-completion report to ensure Policy CP15 is complied with. To be consistent with the previous appeal scheme, this should relate to the shell only.

CIL/S106

The proposed development is CIL liable, as it is for out of city centre retail (A1-5) development. The rate for permission granted in 2019 is £177.46 per sq m. This is charged on new floorspace. The application has been submitted in outline with all matters reserved except access, therefore the total liability will depend on the scale of development approved at reserved matters stage. However, based on the maximum retail floorspace applied for, the total liability will be up to £1,820,917.06. As the CIL liability will be more than £50,000, it can be paid in the following instalments provided an assumption of liability notice form and commencement form are submitted prior to commencement:

1. £50,000 within 60 days after the date on which development commences
2. £150,000 within 1 year after the date on which development commences
3. £200,000 within 18 months after the date on which development commences

4. Outstanding liability (up to £1,420,917.06) within 2 years after the date on which development commences

If these forms are not submitted prior to commencement of the development, the right to pay in instalments will be lost.

A s106 legal agreement is not considered necessary.

RECOMMENDATION

APPROVE with the following conditions:

1. Standard Time Limits – Outline Planning Permission

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 the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.

Reason: To ensure compliance with sections 91 - 93 of the Town and Country Planning Act 1990.

2. Reserved Matters

Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: 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.

3. Approved Plans

The development hereby permitted shall be carried out on the land outlined in red on drawing number 15049_PL01 ('Proposed Location Plan') and shall not be carried out otherwise than in accordance with the plans listed below, unless modified by the other conditions of this consent including the approval of the reserved matters:

- Highway Access Plan (PHL-01 B)
- Proposed Site Parameters Plan (15049_PL06 B)

Reason: To ensure compliance with the approved drawings.

4. Shadow Path Diagrams

Shadow path diagrams of the buildings on the site shall be submitted to, and agreed by, the Local Planning Authority as part of the submission of reserved matters. These shall illustrate the shadow paths at the winter solstice and spring/autumn equinox (sunrise, midday and sunset).

Reason: To ensure there will be no overshadowing of neighbouring dwellings that will harm residential amenity, taking into account paragraphs 7.21-7.23 of the Residential Design SPD.

5. Cycle Parking

The reserved matters details shall show the location and design of cycle parking facilities for the staff and customers of the retail units in accordance with chapter 5 of the Sustainable Transport SPD, including showers, lockers and space to dry clothes for staff. The cycle parking facilities shall be provided in the development as approved prior to the occupation of the development and maintained at all times thereafter.

Reason: To promote cycling as a sustainable mode of travel and to accord with the Sustainable Transport SPD.

6. Disabled Car Parking Spaces and Electric Charging Points

The reserved matters details shall show the location and design of disabled parking spaces and charging points for electric vehicles in accordance with chapter 6 of the Sustainable Transport SPD. A minimum of 40 electric charging points shall be provided for. The disabled parking spaces and electric charging points shall be provided in the development as approved prior to the occupation of the development and maintained at all times thereafter.

Reason: To accord with the minimum car parking standards for disabled users in the Sustainable Transport SPD, and to enable charging of plug-in and other ultra-low emission vehicles in accordance with the Sustainable Transport SPD and paragraph 110 of the NPPF.

7. Waste Storage Facilities

The reserved matters details shall show the location and design of waste storage facilities for the retail and restaurant units hereby permitted. The waste storage facilities shall be designed to accord with the Waste Audit Statement required by condition 10 below. The waste storage facilities for each unit shall be provided as approved prior to the occupation of the unit.

Reason: To ensure adequate waste storage facilities are provided for the uses and located in the interests of the amenity of the area.

Pre-commencement Details

8. Bus/Pedestrian/Cycle Link to North Boundary

Prior to the commencement of the development hereby permitted, a detailed plan of the bus/pedestrian/cycle access to the north boundary shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show the access designed as a short section of bus lane in both directions and also the location and design of appropriate signage and CCTV to ensure that it is used by buses, pedestrians and cyclists only. It shall also show the location of a temporary concrete barrier to prevent the access from being used by other vehicles until such time that a bus service requiring its implementation becomes operational. The plan shall be accompanied by details of the implementation of the access and the management and maintenance of the access, including responsibility for CCTV monitoring and enforcement, for the lifetime of the development. The bus/pedestrian/cycle access shall be constructed in accordance with the approved detailed plan prior to the occupation of the development and its shall be implemented, managed and maintained in accordance with the approved details at all times thereafter.

Reason: To provide a connection to the highway constructed on the adjoining site for sustainable travel in accordance with Policies CP16, CP17 and CP19 of the Core Strategy promoting a sustainable movement network, taking into account the advice of Stagecoach, and to prevent a severe impact on the local highway network and unsafe access through use by other vehicular traffic. These details are required pre-commencement as specified to ensure that an acceptable access and highway connection are designed for the site before the development is built.

9. Pedestrian/Cycle Connections

Prior to the commencement of the development hereby permitted, detailed plans, including sections to confirm gradients, of the three pedestrian and/or cycle connections to the south boundary and a pedestrian/cycle route from the south boundary to the north boundary at the point where the pedestrian/cycle link on the adjoining site meets the boundary shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle connections and route shall be constructed as approved prior to the occupation of the development and shall be kept free from obstruction, including at the boundary points, and maintained at all times thereafter.

Reason: To ensure the development provides a sustainable movement network with links to the surroundings in accordance with Policies CP16, CP17 and CP19 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and Section 9 of the NPPF. These details are required pre-commencement as specified to ensure that acceptable pedestrian and/or cycle connections are designed for the site before the development is built.

10. Waste Audit Statement

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: 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 waste generated during construction is managed sustainably.

11. Surface Water Drainage Management System (Construction)

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The approved surface water drainage management system shall be implemented and maintained throughout the construction period.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. (Advice: Refer to Devon County Council's Sustainable Drainage Guidance.) These details are required pre-commencement as specified to ensure that an appropriate drainage system is provided for the construction stage.

12. Detailed Permanent Surface Water Drainage Scheme

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles

set out in the Flood Risk Assessment, Moor Exchange Honiton Road, Exeter, 23-20-18-1-6075/FRA January 2018 Rev C.

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems. A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

13. Programme of Percolation Tests

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible. This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

14. District Heating Network

Unless it is demonstrated in writing prior to commencement that it is not viable or feasible to do so, the buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy (district heating) network. Prior to occupation of the development, the necessary on site infrastructure, including appropriate space for plant and machinery, shall be put in place for connection of those systems to the network at points at the application site boundary agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposal complies with Policy CP13 of the Core Strategy and paragraph 153 of the NPPF, and in the interests of delivering sustainable development. If it is demonstrated that it is not viable or feasible to construct the building in accordance with the CIBSE Heat Networks Code of Practice, this information must be provided to the Council prior to commencement of the development because it will affect the construction of the building.

15. BREEAM

Unless otherwise agreed in writing by the Local Planning Authority the buildings hereby approved shall achieve a BREEAM 'excellent' standard as a minimum (shell only). Prior to commencement of development of each building on the site the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the building details of what changes will be made to the building to achieve the minimum standard, for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason: To ensure that the proposal complies with Policy CP15 of the Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

16. Construction Method Statement

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. The Statement shall 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 control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to minimise noise nuisance to neighbours 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.

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

Reason: To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

17. Tree/Hedgerow Protection Measures

No development (including ground works) or vegetation clearance works shall take place until fences have been erected and any other protection measures put in place for the protection of trees and/or hedgerows to be retained around the site boundary in accordance with a Scheme which has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be prepared in accordance with British Standard BS 5837:2012 (or any superseding British Standard). The fences and any other protection measures required in the approved Scheme shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences.

Reason: To protect the trees and hedgerows to be retained around the site boundary in the interests of the amenities of the area and biodiversity, in accordance with Policy LS4 of the Exeter Local Plan First Review and the Trees in Relation to Development SPD (September 2009). These details are required pre-commencement as specified to ensure that trees and hedgerows to be retained are not damaged by building operations or vegetation removal, including their biodiversity interests.

Pre-specific Works

18. Bird Breeding Season

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out

unless they are overseen by a suitably qualified ecologist and the reasons why have been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name of the ecologist. If breeding birds are found or suspected during the works, the works will cease until the ecologist is satisfied that breeding is complete.

Reason: To protect breeding birds in accordance with Policy LS4 of the Exeter Local Plan First Review, and paragraphs 174 and 175 of the NPPF. These details are required pre-commencement as specified to ensure that breeding birds are not harmed by building operations or vegetation removal.

19. External Lighting

No external lighting shall be installed on the site or on the buildings hereby permitted unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

Reason: To ensure lighting is well designed to protect the amenities of the area and wildlife, and to safeguard Exeter Airport.

Pre-occupation

20. Wildlife Plan

Prior to the first occupation or use of the development hereby permitted, a Wildlife Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Wildlife Plan shall demonstrate how the development has been designed to enhance the biodiversity value of the site and how it will be managed in perpetuity to enhance biodiversity, taking into account the recommendations of the submitted Preliminary Ecological Appraisal (Sunflower International, July 2017). Thereafter, the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

21. Acoustic Fence

Prior to the first occupation or use of the development hereby permitted, a fence shall be provided along the north boundary of the site to provide an acoustic, visual and security barrier in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The design of the fence shall make provisions for the connections to be secured under conditions 8 and 9.

Reason: In the interests of the amenity of the neighbouring residential properties.

22. Detailed Landscaping Scheme

Prior to the first occupation or use of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. It shall include soft landscaping to soften the impact of the fence required by condition 21 above. Where applicable, it shall specify tree and plant species and methods of planting. The hard landscaping shall be constructed as approved prior to the occupation/use of the development. The soft landscaping shall be planted in the first planting season following the occupation/use of the development or completion of the development,

whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of good sustainable design in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF.

23. S278 Agreement

The development shall not be occupied or brought into use until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway including those shown on drawing number 2176-PHL-007 C ('S278 Works Honiton Road Widening and Proposed Bus Stops') and the movement forward of the stop line (and associated works such as the movement of the signal heads) on the Honiton Road westbound arm of the Fitzroy Road signalised junction. The works shall be implemented prior to the occupation/use of the development and maintained at all times thereafter.

Reason: To prevent a severe impact on the local highway network and to ensure that safe and suitable access is provided for vehicles in accordance with paragraph 108 of the NPPF.

24. Travel Plan

No part of the development shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

Reason: To encourage travel by sustainable means, in accordance with Policy T3 of the Local Plan First Review and the Sustainable Transport SPD.

25. Car Park Management Plan

No part of the development shall be occupied until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Car Park Management Plan shall be carried out as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure there is no overspill parking in the Honiton Road Park & Ride car park to the detriment of its use by people using the Park & Ride service to travel to the City Centre in the interests of sustainable travel.

26. Car Parking Provision

No part of the development shall be occupied until all of the car parking spaces and access thereto shown on the approved plans of any subsequent reserved matters consent have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter.

Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use in the interests of highway safety and to protect the amenities of the neighbourhood.

27. Litter Management

Prior to the occupation of any of the A3 restaurant/drive-through units or A5 hot food takeaway units hereby permitted, a Litter Management Plan for the unit shall be submitted to

and approved in writing by the Local Planning Authority. Thereafter, the Litter Management Plan shall be implemented as approved by the occupier of the unit.

Reason: In the interests of the amenity of the area.

28. Kitchen Ventilation

Prior to the occupation of any of the A3 restaurant/drive-through units or A5 hot food takeaway units hereby permitted, the kitchen ventilation system for the unit shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of the surroundings.

Reason: In the interests of the amenity of the area, especially nearby residential uses.

Post Occupancy

29. Delivery Hours

There shall be no deliveries to the site nor loading or unloading of delivery vehicles between the hours of 11pm and 6am.

Reason: In the interests of the amenity of the neighbouring residential properties.

30. Noise Levels

Notwithstanding condition 21 above, total noise from the development hereby permitted shall not exceed a rating noise level of 5dB above background noise levels, measured in accordance with BS4142:2014. Compliance with this condition shall be assessed at 1 metre from the façade of residential receptors, or an alternative suitable proxy location as agreed in writing with the Local Planning Authority. This noise level shall be demonstrated to the Local Planning Authority by measurement and reported to the Local Planning Authority following the first occupation of all the units and maintained thereafter.

Reason: In the interests of the amenity of the neighbouring residential properties.

31. Restriction on D2 Use

The Class D2 floorspace hereby permitted shall be used as a gym and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To control the use in the interests of the amenity of the area and development plan policies.

32. Restriction on Permitted Development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), 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 this permission:

- Part 3, Class A – restaurants, cafes, or takeaways to retail
- Part 3, Class B – takeaways to restaurants and cafes

- Part 3, Class C – retail, betting office or pay day loan shop or casino to restaurant or café
- Part 3, Class D – shops to financial and professional
- Part 3, Class E – financial and professional or betting office or pay day loan shop to shops
- Part 3, Class F – betting offices or pay day loan shops to financial and professional
- Part 3, Class G – retail or betting office or pay day loan shop to mixed use
- Part 3, Class J – retail or betting office or pay day loan shop to assembly and leisure
- Part 3, Class JA – retail, takeaway, betting office, pay day loan shop, and launderette uses to offices
- Part 3, Class M – retail, takeaways and specified sui generis uses to dwellinghouses

Reason: To control the uses on the site in the interests of the amenity of the area and development plan policies, including maintaining a mix of uses to meet the aspiration of providing a local centre within the Monkerton/Hill Barton strategic allocation area in accordance with Policy CP19 of the Core Strategy, and ensuring acceptable access and traffic impacts in accordance with paragraph 108 of the NPPF.

Retail Controls

33. Quantum of Development

The overall floorspace to be comprised in the development hereby permitted, and the quanta per Use Class, shall not exceed the gross maxima set out in the Schedules below:

Development Parameter	Quantum
Maximum Floorspace (sq m GEA)	11,527
Maximum Floorspace (sq m GIA)	11,004

Use Class	Maximum (sq m GIA)
A1 (Shops)	8,659
A2 (Financial and professional services)	465
A3 (Restaurants and cafes, including drive-throughs)	1,021
A5 (Hot food takeaway)	116
D2 (Gym)	743

Reason: To define the terms of the permission.

34. Net Sales Area

The total net sales area of the retail (Class A1) floorspace hereby permitted shall not exceed 7,552 sq m, of which no more than 2,789 sq m and no less than 1,000 sq m shall be used for the sale of convenience goods (including post office goods).

Reason: To ensure that the trading impacts of the proposal are acceptable and that a foodstore is delivered as part of the development to meet the community needs of the locality.

35. A1 Block ('Block A')

The reserved matters to be submitted pursuant to this planning permission for the A1 retail block to the west of the site ('Block A') shown on drawing number 15049_PL06 B ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 7,897 sq m (including mezzanine floors) limited as follows:

- a) A maximum of four separate retail units;
- b) A unit with a maximum floor area of 4,275 sq m (GIA) and a maximum net sales area of 3,329 sq m; no more than 40% of the net sales area of this unit shall be used for the display and sale of clothing, footwear and/or clothing fashion goods; the remainder of the net sales area shall be used for the sale of home furnishings, furniture, kitchen and bathroom fittings, lighting, DIY and decorating products, electrical items, garden goods and any other goods which are ancillary and directly related to the main goods permitted (the sales areas for such ancillary goods shall be no more than 5% of the total permitted net sales area);
- c) At least one unit of not less than 929 sq m (GIA) for predominantly convenience (food) retailing; up to 20% of the net sales area may be used for ancillary comparison goods sales;
- d) Additional units of not less than 929 sq m (GIA) of which one can be occupied by retailers whose operation is predominantly the sale of clothing, footwear and/or clothing fashion goods – no more than 60% of the net sales area of this unit shall be used for the display and sale of clothing, footwear and/or clothing fashion goods.

Reason: To ensure that the development reflects the complexion of the proposals upon which the application was assessed, to provide a mix of shops to meet the needs of the community and to respect the retail hierarchy of the city.

36. A1/A2/A5/D2 Block ('Block B')

The reserved matters to be submitted pursuant to this planning permission for the A1/A2/A5/D2 mixed use block to the north of the site ('Block B') shown on drawing number 15049_PL06 B ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 2,086 sq m (including mezzanine floors) limited as follows:

- a) A maximum of three separate A1 retail units of not less than 116 sq m (GIA) each, of which a maximum of one retail unit can be occupied by retailers whose operation is predominantly the sale of clothing, footwear and/or clothing fashion goods;
- b) At least one A2 unit;
- c) At least one A5 unit;
- d) At least one D2 (gym) unit.

Reason: To ensure that the development reflects the complexion of the proposals upon which the application was assessed, to provide a mix of uses to meet the needs of the community and to respect the retail hierarchy of the city.

37. A3 Uses

Uses within Class A3 (restaurants and cafes) shall be comprised in a maximum of three freestanding units as shown on drawing number 15049_PL06 B ('Proposed Site Parameters Plan').

Reason: To ensure that the complexion of development is in accordance with the purposes prescribed in the application and to provide a mix of uses to meet the needs of the community.

38. Chemist

For a minimum period of 5 years following the date of its first opening, the development hereby authorised shall include provision of no less than 530 square metres (GIA) predominantly for the sale of chemist and related goods (with or without a pharmacy).

Reason: To ensure that the complexion of the development is in accordance with the purposes prescribed in the application and to provide a mix of shops to meet the needs of the community.

39. Prevention of Amalgamation or Sub-division of Units

Further to any approval of reserved matters pursuant to this planning permission, there shall be no subsequent amalgamation or sub-division of units without the prior approval in writing of the Local Planning Authority.

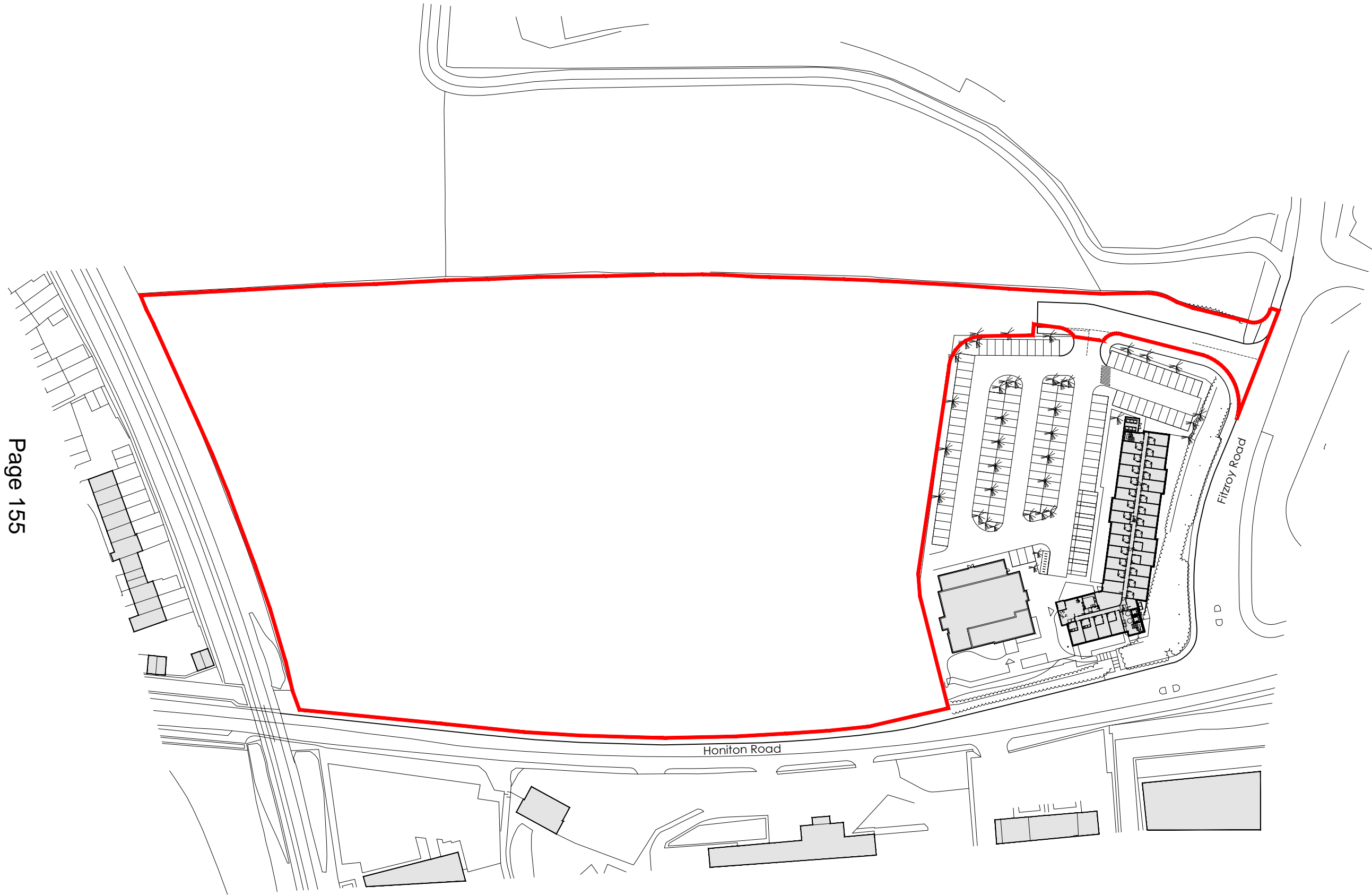
Reason: Any changes will require further consideration by the Local Planning Authority to ensure that the impacts are acceptable.

40. Dual Representation

Unless otherwise agreed in writing by the Local Planning Authority, none of the approved A1 retail floorspace shall be occupied by any retailer who at the date of occupation, or within a period of 12 months immediately prior to occupation, occupies A1 retail floorspace within the City Centre or any of the District or Local Centres as defined on the Exeter Local Plan First Review Proposals Map, or any subsequent development plan document defining the city, district and local centre hierarchy, unless a scheme which commits the retailer to retaining their presence as a retailer within that Centre, for a minimum period of 5 years following the date of their occupation of A1 retail floorspace within the development, or until such time as they cease to occupy A1 retail floorspace within the development, whichever is sooner, has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be carried out as approved.

Reason: To protect the vitality and viability of the centres in Exeter and ensure that the A1 retail floorspace serves the local community.

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General Notes

All site dimensions shall be verified by the Contractor on site prior to commencing any works.

Do not scale from this drawing.

Only work to written dimensions.

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Revision

Scale 1:1250@A3
Status PL
Drawn by KC
Date 30.04.15

Client
Consolidated Property Group LLP

Project
Honiton Road, Exeter

Drawing Description
Proposed Location Plan

Drawing No. 15049_PL01 Rev.

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Retail Development Proposals in Exeter

Assessment of Cumulative Impact Issues

May 2019

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1. Assessment of Cumulative Impact Issues

1. This report has been prepared by Avison Young ('AY') for Exeter City Council ('ECC') in relation to issues surrounding the impact of multiple retail development projects on the eastern side of Exeter. At the present time, ECC has registered, and is determining, the following four applications:
 - Moor Exchange, Honiton Road (11,004sq m of Class A and D retail and leisure floorspace, including 8,659sq m of Class A1 retail floorspace)
 - Western Power Distribution depot, Moor Lane (circa 6,900sq m of Class A1 retail floorspace and 1,062sq m of Class A3 food and beverage floorspace)
 - Devon and Cornwall Constabulary HQ site at Middlemoor (14,103sq m of retail and leisure floorspace, including 11,473sq m of A1 non-food floorspace, a foodstore of 1,951sq m, 1,905sq m of Class D2 health and fitness and 862sq m of Class A3)
 - Redevelopment of the existing B&Q Warehouse at Avocet Road (14,865sq m of retail floorspace, including 14,074sq m of Class A1 floorspace and 790sq m of Class A3 floorspace).
2. ECC has also recently granted planning permission for a non-food unit of 1,230sq m gross within the Tesco Extra car parking area at Russell Way, Digby. This permission is subject to restrictions over the range of goods which can be sold and a copy of the decision notice issued by ECC is contained at Appendix I¹.
3. AY has provided separate advice on retail planning issues associated with each of the above five proposals, including their individual relationships with the sequential and impact tests.
4. One element of the impact test is an assessment of the effect of retail and leisure proposals on the vitality and viability of defined 'town centres'. Given their location, each of the four undetermined proposals will be subject to this assessment and, in the first instance, the individual impacts associated with each proposal, along with commitments², will be examined. National planning policy, at paragraph 27 of the NPPF, indicates that proposals which are likely to have a significant adverse impact upon the vitality and viability of town centres should be refused. The advice provided by AY to date has concluded that each proposal, on its own and with current commitments, is not likely to have a significant adverse impact upon the health of any defined 'town centre' in Exeter.
5. However, given that ECC will need to make a decision on each of these remaining four undetermined applications, it will also have to consider the cumulative effects associated with granting planning permission for more than one proposal. There is no specific national guidance on the assessment of cumulative impact, including whose responsibility it is to undertake such an assessment, although it is common for local authorities to take the lead. To date, none of the four applicants has provided any assessment of cumulative impact issues.
6. The Middlemoor application was presented to ECC's planning committee in October 2018 with a recommendation for refusal of permission primarily for highways/accessibility reasons. We understand that since that time little progress has been with the application and it has been agreed with ECC that there is currently no need to include the Middlemoor proposal in the cumulative impact assessment.

¹ See Condition No.24

² i.e. retail and leisure development proposals committed via a planning permission

7. This report therefore provides a cumulative assessment of different combinations of the B&Q, Moor Exchange and WPD proposals (in addition to the committed Tesco non-food store³). It concentrates upon the two centres which are forecast to receive the highest levels of impact: Exeter city centre and St Thomas district centre (including Exe Bridges Retail Park).
8. The individual financial impacts associated with each of the four undetermined proposals (and committed Tesco scheme) are outlined in Table 1 below:

Table 1: solus impacts of current / forthcoming retail floorspace proposals in Exeter

	Moor Exchange*	Tesco Non-Food Unit	WPD	B&Q
<i>Convenience</i>				
City Centre	-2% (-3%)	-	-2% (-4%)	-1% (-2%)
St Thomas	-4% (-5%)	-	-5% (-6%)	-2% (-3%)
<i>Comparison</i>				
City Centre	-2% (-3%)	-1% (-2%)	-2% (-3%)	-4% (-5%)
St Thomas	-7% (-7%)	-2% (-2%)	-6% (-6%)	-14% (-14%)

* impact assessment for Moor Exchange updated to take into account the changes made to the amount of Class A1 retail floorspace in the latest planning application.

9. The above summary shows that the B&Q redevelopment scheme is likely to have the highest comparison goods impact on the city centre and St Thomas district centre, followed by the current Moor Exchange proposal. Moor Exchange and WPD have the highest direct impacts upon the city centre and St Thomas due to the potential inclusion of reasonable sized foodstores within these schemes.
10. In order to estimate the cumulative impact of more than one of the above proposals, one option could be to simply add the individual impacts of the salient proposals together. However, this is likely to over-estimate the direct financial impact on certain centres as it does not take into account the 'cross competition' between the proposed developments⁴. Therefore, there is a need to amend the solus impacts to take into account the possibility that the proposed schemes will compete with each other for trade and not just existing stores and centres.
11. For the purposes of this note, we have assessed the following scenarios:
- Moor Exchange & WPD
 - ME & B&Q
 - WPD & B&Q
 - ME & B&Q & WPD

³ And other pre-existing commitments taken into account by the applicants and AY in our original assessments

⁴ i.e. the solus impact assessments only assume that the relevant proposed development is in place and not any of the other proposed schemes.

12. The outcome of our assessment in relation to the above scenarios is contained in Tables 2 and 3 below. Table 2 provides our estimate of the likely financial loss of trade from both centres whilst Table 3 translates these levels of financial impact into proportionate impact levels.

Table 2: cumulative financial impacts of current retail floorspace proposals in Exeter (together with commitments)

	ME & WPD	ME & B&Q	WPD & B&Q	WPD & B&Q & ME
<i>Convenience</i>				
City Centre	-£3.1m	-£2.1m	-£2.5m	-£3.4m
St Thomas	-£1.3m	-£0.8m	-£1.0m	-£1.4m
<i>Comparison</i>				
City Centre	-£26.8m	-£43.4m	-£42.5m	-£49.7m
St Thomas	-£1.0m	-£1.7m	-£7.1m	-£1.9m

Table 3: proportionate cumulative impacts of current retail floorspace proposals in Exeter (together with commitments)

	ME & WPD	ME & B&Q	WPD & B&Q	WPD & B&Q & ME
<i>Convenience</i>				
City Centre	-5.9%	-4.3%	-4.9%	-6.4%
St Thomas	-8.5%	-5.6%	-6.8%	-9.1%
<i>Comparison</i>				
City Centre	-4.2%	-6.1%	-5.9%	-6.9%
St Thomas	-11.8%	-19.1%	-18.2%	-21.8%

13. Table 2 above indicates that approving more than one of the current three proposals will lead to significantly higher levels of impact on the city centre and St Thomas district centre. The scenario with the lowest level of combined impact is Moor Exchange plus WPD although even this will see a likely impact on the district centre's comparison goods turnover of over 10% and an impact on the city centre's comparison goods sector of 4%. There is also a noticeable rise in the level of trade loss for the convenience goods sectors in both centres, particularly for St Thomas given the presence of a Marks & Spencer Simply Food store.
14. The scenarios which involve the redevelopment of the B&Q store attract the higher levels of financial and proportionate impact and are likely to see the district centre lose around one fifth of its comparison goods turnover and increase the combined impact on the city centre's comparison goods sector by around half (from the combined impact of the Moor Exchange and WPD proposals).
15. Should all three schemes be permitted, the city centre's convenience and comparison goods sectors will see the loss of £1 in every £14 spent in the centre whilst £1 in every £11 spent in the convenience goods shopping will be lost from the district centre.
16. There is little doubt that these levels of financial trade loss from St Thomas district centre are significant and are likely to lead to a large impact upon the health of the centre. Permitting more than one proposal would

also in our opinion significantly increase the chances of loss of retailers from the district centre, focused upon Exe Bridge retail park.

17. The financial impacts upon the city centre also start to become material when more than one scheme is approved with large levels of trade loss from the comparison goods sector leading to a clear and significant loss of viability at a time when high street comparison goods stores are struggling in their own right due to the effects of completion from out of centre stores and spending via the internet.
18. In addition to the financial impacts above, there is a need to consider the wider impacts of the proposals and the current characteristics of the health of Exeter city centre. This will include the scale of the proposals on a cumulative basis, the scale of trading overlap, the potential for retailer relocations and the potential for any of the proposals to attract retailers who would otherwise have sought representation in the city centre.
19. The above three proposals would create an additional 30,000sq m of new Class A1 retail floorspace which is equivalent to x% of the retail floorspace in the city centre. This creates the very real potential for a significant level of competition for the city centre as out of centre sites on the eastern side of the city are able to offer a similar level of choice in shopping facilities, particular for comparison goods shopping. In addition, whilst there are some restrictions in the sale of goods in each of the three schemes, they would still have the ability to sell a wide range of convenience and comparison goods significantly reducing the need to visit the city centre for a wide range of shopping needs.
20. In relation to the potential for retailer relocations, ECC has previously considered imposing a short term restriction on the ability for existing retailers in the city centre to close their stores and relocate to these proposals. Such a restriction is, in our opinion, only every a minor and short term fix to the potential loss of retailers as (A) it still allows a retailer to open an additional store and divert trade away from its city centre store (in which is likely to be a larger and more attractive unit), and (B) will only last for a short period of time before retailers are able to close their city centre store. Moreover, such a restriction would not stop retailers who are not currently represented in the city centre from occupying an out of centre site rather than space in the city centre.
21. Therefore, for all of the above reasons we recommend to ECC that it should not grant planning permission for more than one of the B&Q, Moor Exchange and WPD proposals as doing so is likely to lead to significant adverse impacts upon the health of and existing investment in Exeter city centre and St Thomas district centre.

Appendix I

Tesco decision notice



City Development
Civic Centre
Paris Street
Exeter
EX1 1NN

Mr Mark Scoot
Amethyst Planning Ltd
Maypool House
Maypool
Brixham TQ5 0ET

Tesco Stores Ltd
C/o Agent

01392 265223
www.exeter.gov.uk/planning

Town and Country Planning Act 1990 and its orders

OUTLINE PLANNING PERMISSION GRANTED

LOCATION: Tesco Stores Ltd, Russell Way, Exeter, Devon EX2 7EZ

PROPOSAL: Outline application for development of a non-food retail unit (Use Class A1), with associated deliveries yard, car parking and landscaping on part of the existing Tesco car park (all matters reserved except access).

APPLICATION NUMBER: 17/1962/OUT

The Local Planning Authority grants outline permission for the above development subject to the following 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 the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.
Reason: To ensure compliance with sections 91 - 93 of the Town and Country Planning Act 1990.
2. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
Reason: 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.
3. The development hereby permitted shall be carried out on the land outlined in red on drawing number AP02 C ('Location Plan'). Access to the site shall be provided via the existing access points to the west and new access proposals to the north as shown on drawing number 41739/5501/SK05 A ('Redevelopment of Tesco Vale Overflow Car Park Preliminary Design of Shared Use Foot/Cycleway Improvement').

Reason: To ensure compliance with the approved drawings.

4. The development hereby permitted shall comprise one single retail unit with a gross floor area not exceeding 1,230 sq m.

Reason: To ensure the development reflects the submitted documents upon which the application was assessed and to ensure there is sufficient space for parking and safe access.

5. No tree works shall be carried out other than the works set out in the submitted Arboricultural Impact Assessment (Aspect Arboriculture, December 2017) (Ref. 9358_AIA.001) unless an updated Arboricultural Impact Assessment has been submitted as part of any reserved matters application that has been approved by the Local Planning Authority.

Reason: To protect trees on the site in the interests of the amenity of the area.

Pre-commencement Details

6. Prior to the commencement of the development hereby permitted, the design and location of the new bus shelter on the site shall be submitted to and approved in writing by the Local Planning Authority. The bus shelter shall be provided on the site as approved prior to the occupation of the development.

Reason: To maintain a suitably designed bus shelter on the site to serve the development and surrounding developments in the interests of sustainable travel. These details are required pre-commencement as specified to ensure that sufficient space is provided for the bus shelter in the development and that its design is acceptable.

7. Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum. Prior to commencement of development of the building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the building details of what changes will be made to the building to achieve the minimum standard, for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason: To ensure that the proposal complies with Policy CP15 of the Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

8. No part of the development hereby permitted shall be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A sustainable drainage system shall be utilised unless evidence is submitted demonstrating this is not feasible or practicable for the site. The scheme shall include a detailed plan showing the size and location of all parts of the surface water

drainage system, and confirm any outfall and discharge rates. Model outputs shall be submitted to demonstrate that all components of the system are designed to the 1 in 100 year (+40% allowance for climate change) rainfall event. The scheme shall also include the arrangements for ongoing maintenance and the management responsibilities for all parts of the site's surface water drainage system. The development shall not be occupied until the surface water drainage scheme has been completed as approved and it shall be continually maintained thereafter in accordance with the approved details. (Any soakaways shall be designed in accordance with Building Research Establishment Digest 365, and evidence that trial holes and infiltration tests have been carried out in the same location as the soakaways must be provided. If soakaways are proposed then groundwater will need to be monitored in accordance with Devon County Council's Flood and Coastal Risk Management Team's Groundwater Monitoring Policy.)

Reason: To manage water and flood risk in accordance with Policy CP12 of the Core Strategy, Policy EN4 of the Exeter Local Plan First Review and paragraph 103 of the NPPF. These details are required pre-commencement as specified to ensure that an appropriate drainage system is provided for the development and there will be no increased risk of flooding to surrounding buildings, roads and land.

9. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The approved surface water drainage management system shall be implemented and maintained throughout the construction period.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. (Advice: Refer to Devon County Council's Sustainable Drainage Guidance.) These details are required pre-commencement as specified to ensure that an appropriate drainage system is provided for the construction stage.

10. 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: 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 waste generated during construction is managed sustainably.

11. No development or tree works shall take place until an Arboricultural Method Statement (including Tree Protection Plan) has been submitted to and approved in writing by the Local Planning Authority. This information shall be prepared in accordance with BS 5837:2012 - 'Trees in relation to design, demolition and construction - Recommendations' (or any superseding British Standard) and include the location and design of tree protective fencing. No materials shall be brought onto the site or any development commenced until the developer has erected tree protective fencing around all trees and shrubs to be retained in

accordance with the approved Arboricultural Method Statement. 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 areas, nor shall trenches for service runs or any other excavations take place within the fenced areas except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment. The approved Arboricultural Method Statement shall be adhered to throughout the construction of the development.

Reason: 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.

12. 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. The Statement shall 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 control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to minimise noise nuisance to neighbours 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.

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

Reason: To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

13. No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. 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: 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.

Pre-Tree Works

14. No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to

September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name of the ecologist. If breeding birds are found or suspected during the works, the works will cease until the ecologist is satisfied that breeding is complete.

Reason: To minimise the impact of the development on biodiversity during its construction in accordance with Policy LS4 of the Exeter Local Plan First Review and paragraph 170 of the NPPF. These details are required pre-commencement as specified to ensure that nesting birds are not harmed by the development.

During Construction

15. If, during development, contamination not previously identified is found to be present at the site then the Local Authority shall be notified as soon as practicable and no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Thereafter and prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise contamination risks to future users of the site and surrounding land, including controlled waters, and to ensure the development can be carried out safely.

Pre-specific Works

16. No external lighting shall be installed on the site or on the building hereby permitted unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

Reason: To ensure lighting is well designed to protect the amenities of the area and wildlife.

Pre-occupation

17. Prior to the first occupation or use of the development hereby permitted, staff cycle parking facilities shall be provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The facilities shall accord with the relevant parts of Chapter 5 of the Sustainable Transport SPD. The facilities shall be maintained at all times thereafter.

Reason: To encourage cycling to the site as a sustainable mode of travel and to accord with the provisions of the Sustainable Transport Supplementary Planning Document.

18. Prior to the first occupation or use of the development hereby permitted, customer cycle parking shall be provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle parking shall accord with the relevant parts of Chapter 5 of the Sustainable Transport SPD. The cycle parking shall be maintained at all times thereafter.

Reason: To encourage cycling to the site as a sustainable mode of travel and to accord with the provisions of the Sustainable Transport Supplementary Planning Document.

19. No part of the development shall be occupied until a travel plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

Reason: To encourage travel by sustainable means, in accordance with Local Plan Policy T3 and the Sustainable Transport SPD.

20. Prior to the first occupation or use of the development hereby permitted, the shared use foot/cycleway improvement works shown on drawing number 41739/5501/SK05 A ('Redevelopment of Tesco Vale Overflow Car Park Preliminary Design of Shared Use Foot/Cycleway Improvement') shall be completed. The works shall be maintained at all times thereafter.

Reason: To enhance access to the site by sustainable modes.

21. Prior to the first occupation or use of the development hereby permitted, the footpath extension shown on drawing number 41739/5501/SK04 ('Redevelopment of Tesco Exeter Overflow Car Park Proposed Footpath Extension') shall be completed. The footpath extension shall be maintained at all times thereafter.

Reason: To enhance access to the site by sustainable modes.

22. No part of the development shall be occupied until all of the car parking spaces and access thereto shown on the approved plans of any reserved matters consent have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter.

Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use in the interests of highway safety and to protect the amenities of the neighbourhood.

Post Occupancy

23. The retail unit hereby permitted shall not be subdivided into more than one retail unit without the prior approval in writing of the Local Planning Authority.

Reason: Any changes will require further consideration by the Local Planning Authority to ensure that the impacts are acceptable.

24. The premises shall only be used for the sale of bulky comparison goods consisting of building and DIY products, garden products and plants, furniture, carpets, floor coverings, large electrical and gas appliances, vehicle accessories and parts, boating equipment (excluding boats) and any other goods which are ancillary and directly related to the main goods permitted (the sales area for such ancillary goods shall be no more than 5% of the total permitted net sales area).

Reason: To ensure the application passes the sequential test and in the interests of protecting the vitality and viability of the centres in Exeter in accordance with Policy CP8 of the Core Strategy and Chapter 7 of the NPPF.

25. Cumulative noise levels from all mechanical building services plant on the site shall not exceed a rating noise level of 52dB between the hours of 7am and 11pm, and 39dB

between the hours of 11pm and 7am, measured in accordance with BS 4142:2014. These levels shall be achieved at 1 metre from the window of the nearest noise sensitive receptor. The developer shall demonstrate by measurement compliance with this level prior to occupation of the development and as requested by the Local Planning Authority thereafter.
Reason: To protect the amenity of residents living in Etonhurst Close and Lewis Crescent. This takes into account the information in the submitted Noise Impact Assessment.

26. There shall be no deliveries to the site nor loading or unloading of delivery vehicles between the hours of 11pm and 7am.

Reason: To protect the amenity of residents living in Etonhurst Close and Lewis Crescent. This takes into account the information in the submitted Noise Impact Assessment.

INFORMATIVES

1. 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 (ie 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.
2. In accordance with the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.
3. In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Signed 
City Development Manager

Dated: 14th May 2019

**Notification where planning permission refused or granted subject to conditions
Town and Country Planning Act 1990**

**Article 35(3) of The Town and Country Planning (Development Management Procedure)
(England) Order 2015 (as amended)**

Appeal

If you are aggrieved by the decision of the Local Planning Authority to either refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. Only the person who made the application can appeal.

To submit an appeal, please go to the Planning Inspectorate website:

<https://www.gov.uk/government/organisations/planning-inspectorate>

Appeals must be made using a form, which can either be completed and submitted online or can be sent to you in the post by the Planning Inspectorate. To request a form, please contact the Planning Inspectorate using their contact details below:

The Planning Inspectorate
Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Planning Inspectorate customer support team

0303 444 5000

enquiries@pins.gsi.gov.uk

A copy of the completed form and all supporting plans and documents must also be sent to the Local Planning Authority. The Planning Inspectorate will be able to advise you on the best way to do this. Please use the Council's contact details at the top of the decision notice.

If you want to make an appeal you must do so within **6 months** of the date of this notice, unless it is a **householder appeal** in which case you must do so within **12 weeks** of the date of this notice. The date is at the bottom of the decision notice.

If an enforcement notice has been served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within **28 days** of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within whichever period expires earlier out of the following:

- 28 days of the date of service of the enforcement notice, or
- 6 months of the date of this notice, unless it is a householder appeal in which case 12 weeks of the date of this notice.

Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. Guidance on planning appeals is available on the Planning Practice Guidance website: <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part 6 of the Town and Country Planning Act 1990.