

**ITEM NO.**

**COMMITTEE DATE:** 13/01/2014

**APPLICATION NO:**

13/4073/03

FULL PLANNING PERMISSION

**APPLICANT:**

Devon & Cornwall Police Crime Commissioner

**PROPOSAL:**

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.

**LOCATION:**

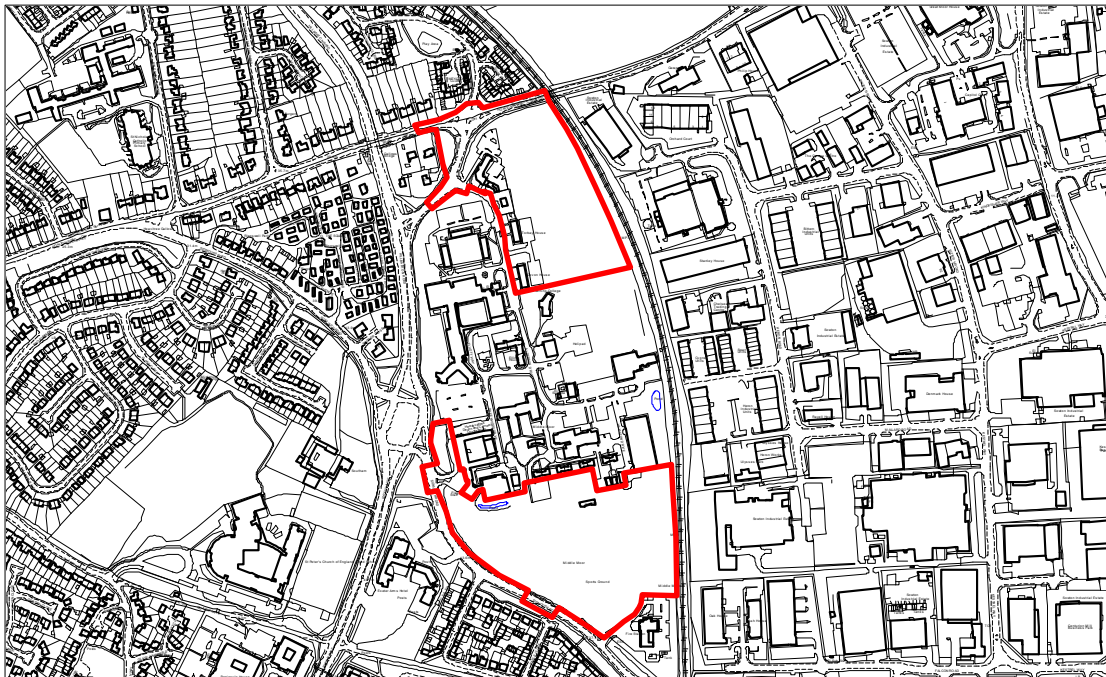
Devon & Cornwall Constabulary, Police Headquarters, Middlemoor, Exeter, EX2 7HQ

**REGISTRATION DATE:**

15/08/2013

**EXPIRY DATE:**

14/11/2013



Scale 1:10000

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**HISTORY OF SITE**

There is an extensive planning history relating to development associated with the use of the Middlemoor complex as Devon & Cornwall Police Headquarters, none of which is considered directly relevant to the current proposal. The following application is considered relevant in terms of the future development of the overall complex -

13/4067/01 -

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 83 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).

## **DESCRIPTION OF SITE/PROPOSAL**

The Middlemoor Police Headquarters complex comprises approximately 17.38 hectares in total and is bounded by Hill Barton Road to the west, Sidmouth Road to the south, the Exeter to Exmouth railway line to the east and Honiton Road to the north. The complex is currently served by 2 main accesses, one from the north via Alderson Drive between Honiton Road and Hill Barton Road and the other from Sidmouth Road just off the Middlemoor roundabout.

Devon & Cornwall Police Authority have identified an urgent pressing need for new police infrastructure to serve the City and its hinterland, in particular a new custody centre. Middlemoor is considered to be the best location operationally for such facilities. Given that no external funding is available funding must be derived from the sale of parts of Middlemoor. Consequently the air support facility has been relocated creating surplus land and allowing this proposal to be brought forward. The application has been made jointly by the Devon & Cornwall Police Crime Commissioner and Wm Morrison Supermarkets PLC. The application comprises a Criminal Justice Centre and Police Hub (CJC) at the southern end of the site and a Class A1 retail supermarket (6,789m<sup>2</sup>) with associated petrol filling station and customer parking for 418 cars on the north-east part of the site.

The CJC site comprises a 4.53 hectare parcel of land currently occupied by a sports pitch, outdoor space for police dog training and car parking. The new facilities would be provided in 3 linked buildings ranging from 2 to 3 storeys in height with a gross floor area of 9,550m<sup>2</sup>. Access to the facilities would be via 3 different routes with detainees being brought in via the existing access from Sidmouth Road, visitors from a new access created onto Sidmouth Road and police staff via the existing Middlemoor estate road off Honiton Road. The sports pitch would be relocated to accommodate the new buildings and the existing pavilion/ changing rooms retained. Parking provision comprises a 20 space visitor car park served via the new access to Sidmouth Road, secure operational parking for 49 police vehicles (inc 2 disabled bays), a covered stands for 50 bicycles and a further 202 spaces for non-operational staff (replacement for the existing parking).

The supermarket site comprises a 3.2 hectare parcel of land currently occupied by the air support unit, 3 police buildings and the police filling station. The store will have a gross floor area of 6,789m<sup>2</sup> with a retail sales area of 3,886m<sup>2</sup> and will contain cafe, food preparation areas, warehouse, staff and customer facilities. Associated with the store the proposal also includes 418 parking spaces (including 26 disabled and 16 parent/toddler spaces), 8 motorcycle parking bays, a 6 pump petrol station and a new 5th arm off the Honiton Road roundabout into the site.

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

The application is accompanied by the following supporting information -

- Planning Statement
- Design and Access Statement
- Retail Assessment
- Transport Assessment
- Travel Plan

- Statement of Community Engagement
- Arboricultural Survey
- Air Quality Assessment
- Extended Phase 1 Habitat Survey
- Lighting Assessment
- Land Contamination Assessment
- Utilities Assessment
- Noise Assessment
- Flood Risk Assessment & Drainage Statement

## **REPRESENTATIONS**

35 representations have been received in respect of this application raising the following issues -

- loss of view of open field
- impact on property values
- increased crime and disorder associated with the CJC
- actual and perceived impact upon safety in the locality associated with the release of people from the CJC
- lack of capacity for additional retail store (Development Plan 2026)
- no need for another supermarket, plenty of options already exist and growth in on-line shopping
- traffic congestion
- traffic related pollution,
- location of public access to CJC opposite Southam Fields housing estate, and statement that this was not made clear at public consultation events
- use of existing Middlemoor roundabout for all CJC related activities would be better and divert people from residential areas
- impact on local shops
- supermarket would be better placed at Cranbrook
- inadequate parking and associated over spill parking in residential areas
- noise from associated plant
- necessity of Morrisons to make CJC viable should not be relevant
- lack of sustainability credentials
- lack of attention to matters raised at public consultation meetings
- disturbance from traffic noise associated with existing traffic light controlled junctions
- impact on trees
- highway safety concerns, especially roundabout on Honiton Road
- impact of car headlights upon properties in vicinity of remodelled roundabout
- overdevelopment
- lack of public transport to serve CJC
- lack of CCTV coverage in surrounding area
- use of CIL funding to benefit local community
- inappropriate design
- exaggeration of level of support from local community for the development proposals
- proposal not consistent with Development Plan
- traffic speeds at Honiton Road roundabout
- need for pavement barriers on Honiton Road given extra traffic

- store/petrol filling station opening hours
- screening of store/filling station and signs in interest of amenity if surroundings residents
- operational policing activities should be in central locations not outskirts
- ? need for additional arm off roundabout, why not serve everything off Alderson Drive
- contrary to NPPF and Development Plan policies
- lack of capacity for new retail store of this size
- existence of other sequentially preferable sites, particularly Cranbrook in terms of availability, suitability and viability
- assessment of Cranbrook in relation to it being a sequentially preferable site in submitted Retail Assessment is flawed
- retail impact - adverse impact on delivery of retail facilities within planned Cranbrook town centre (in terms of commercial viability, timing of delivery and size of store delivered)
- submitted Transport Assessment not include all approved/planned development within area.
- if proposal results in improvements to Wilton Way roundabout proposals are a price worth paying

Many of the representations received comment on this application in conjunction with the proposed adjoining residential development rather than as a separate entity. Analysing the representations it would appear that they can be grouped into 3 broad categories, namely retail impact, highway/transportation issues and impact on the amenity of residents of existing housing areas.

Comments made at various public consultation meetings held by the applicant prior to submission of the planning application have been summarised in the Statement of Community Engagement submitted as supporting document to the application. Many of the comments included in that summary reflect the points raised in public representation received by the Council since the application was submitted (as summarised above).

## **CONSULTATIONS**

Exeter International Airport - Exeter International Airport has no safeguarding objections to this development provided that all safeguarding criteria, as stipulated in the A0A Advice Notes, and there are no changes made to the current application.

Natural England - In terms of statutory nature conservation sites Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. In terms of protected species further work is recommended in relation to bats. Generally comment is made on the opportunities the site offers for enhanced green infrastructure, biodiversity and landscape enhancements. **Revised response (08/11/13):-** Based on further clarification/survey work relating to bats and great crested newts Natural England does not object to the proposed development.

Environmental Health - Identifies additional work required as part of the Noise Impact Assessment, and conditions relating to land contamination, light impact, Construction Environmental Management Plan, construction hours plant noise and deliveries.

Environment Agency - Object on grounds of drainage approach relying on a sewered approach contrary to the aims of Sustainable drainage with consequent increase in volumes being discharged to River Clyst and associated reduction in water quality. Additionally recommend conditions relating to contamination. **Revised response (19/12/13):-** "We can

withdraw our objection providing that the development proceeds in accordance with proposed surface water drainage arrangements set out in the Draft "Flood Risk Assessment and drainage strategy - Addendum" dated December 2013."

County Head of Planning, Transportation and Environment - Comments "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
- petrol store layout and interaction with proposed access roundabout
- details of proposed change to Police Hub entrance
- suggested mitigation

In the absence of this information then the highway authority, at this time, would be minded to recommend refusal." **Update** - Further information has since been provided and officers have been advised the Highway Authority is now satisfied that safe and suitable access can be achieved for all users of the site in the context of the proposed development. Therefore they will not be objecting to the proposal subject to a S106 obligation in respect of an improvement to the junction of the A015/Hill Barton Road and conditions relating to transportation issues that will be confirmed prior to Committee.

Sport England - Note that although the adult football pitch will be relocated as part of the proposal there will be an overall loss of grass pitch space. Having consulted the FA and ECB conclude as follows - "In light of the above, Sport England objects to the proposal because it is not considered to accord with any of the exceptions in Sport England's playing fields policy or the NPPF paragraph 74."

Network Rail - Objects on the grounds of lack of details about drainage proposals and potential impact of a sustainable drainage approach upon stability of railway cutting slopes.

Highways Agency - Impose a Holding Direction preventing planning permission being granted for a period of 6 months pending submission of further information to assess the impact of the proposal upon the strategic road network.

RSPB - Identifies the opportunity for the development to incorporate biodiversity and landscape enhancements as part of the scheme and suggests a Landscape and Environmental Management Plan is secured by condition.

## **PLANNING POLICIES/POLICY GUIDANCE**

### Central Government Guidance

NPPF - National Planning Policy Framework - particularly Paras 11-16 Presumption in favour of sustainable development, Para 17 Core Planning Principles, Paras 23-27 Ensuring the vitality of town centres, Paras 29-41 Promoting sustainable transport, Paras 56-68 Requiring good design, Para 74 Promoting healthy communities, Paras 114 and 117-118 Conserving and enhancing the natural environment

### Exeter Local Development Framework Core Strategy

CP1 - The Spatial Approach

CP8 - Retail

CP9 - Transport

CP10 - Meeting Community Needs  
CP11 - Pollution and Air Quality  
CP12 - Flood Risk  
CP13 - Decentralised Energy Networks  
CP14 - Renewable and Low Carbon Energy  
CP15 - Sustainable Construction  
CP16 - Green Infrastructure  
CP17 - Design and Local Distinctiveness  
CP18 - Infrastructure

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development  
AP2 - Sequential Approach  
E3 - Retention of Employment Land or Premises  
S1 - Retail Proposals /Sequential Approach  
L3 - Protection of Open Space  
L5 - Loss of Playing Fields  
L7 - Local Sporting Facilities  
T1 - Hierarchy of Modes  
T2 - Accessibility Criteria  
T3 - Encouraging Use of Sustainable Modes  
T9 - Access to Buildings by People with Disabilities  
T10 - Car Parking Standards  
C5 - Archaeology  
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

Exeter City Council Supplementary Planning Document

Sustainable Transport

Trees In Relation to Development

Archaeology and Development

Planning Obligations

Draft Development Delivery DPD

## **OBSERVATIONS**

### **Background to the proposals**

The Police Authority have stressed that they are faced with an urgent and pressing need for new police infrastructure to serve the city and its hinterland. This need has arisen as a result of the growth of the city and surrounding developments (including the new settlement at Cranbrook), and the fact that some of the existing police infrastructure is no longer fit for purpose. This is particularly true in respect of custody facilities with the current provision at Heavitree Road police station being insufficient in terms of capacity and functionality/safety of operation. Following significant consideration on the part of the Police Authority

Middlemoor was identified as the best location operationally for additional and replacement facilities. In the absence of external funding sources the Police Authority also determined that funding for such facilities had to derive from the sale of parts of the Middlemoor complex. The pending relocation of the air facility and a careful look at rationalisation of existing operations at the Middlemoor complex has resulted in the identification of surplus land that could be released for development thereby generating capital receipts that could be used to finance the new required infrastructure. The Police Authority have stated that purely residential development on the surplus land would not generate sufficient funds and hence they have pursued a mixed use redevelopment comprising the supermarket and Criminal Justice Centre/Police Hub the subject of this application and the residential development forming part of application 13/4067/01 (also on this agenda).

### Assessment of the Proposal

The main material considerations in respect of this application relate to the suitability of part of the site for a retail supermarket both in terms of location and impact; and in respect of both the retail and police accommodation, transportation issues, design, impact on sport's pitches, relationship to/impact upon surrounding residential areas, sustainability, financial considerations and landscape/ecological impact.

### Retail

Although the site is included in the Draft Development Delivery DPD for residential development this does not mean that it is not also suitable for other uses. At this stage, although it is a material consideration, the draft DPD has little weight. The proposal the subject of this application needs to be considered on its merits with regard to all material considerations and the relative weights to be attached to them.

The submitted Retail Assessment provides an appraisal of the retail planning issues associated with the proposed supermarket element of this application, including an assessment of the performance of the proposed retail floor space against policies within the adopted development plan and other material considerations such as the NPPF.

Core Strategy Policy CP8 deals with the provision of further retailing within the City and the evidence base for the policy comprises a retail study commissioned by the Council and carried out by consultants DTZ in 2008. To maintain and enhance the vitality and viability of the City Centre the policy identifies the provision of 3000m<sup>2</sup> of net retail convenience floor space. It also states that retail development outside the city centre should be located in the district or local centres, with out-of-centre sites only considered if there are no suitable sites in, or on the edge of the city centre, district or local centres, and the proposal would cause no significant overall impact on the existing centres and would bring net benefits. The supporting text to the policy states "In planning for new retail provision DTZ emphasises that the capacity forecasts set out in its 2008 study are intended as an indication of the likely order of magnitude of future floor space capacity (if forecast trends are realised), rather than as growth targets or rigid limits to growth." The former requirement for applicants to demonstrate that there is 'need' for development proposals has also been removed from the Government town centre policy. In considering this proposal against Policy CP8 both of the above are relevant and in this context the issue of 'need' for a further convenience retail in Exeter is not considered to be an overriding material factor. Rather the key issues relate to sequential and impact tests as set out in the NPPF and reflected in Policy CP8.

## Sequential Test

In addressing the sequential test the applicant has drawn attention to the 'need' the proposal is aiming to meet, i.e. that of a new main/bulk food shopping destination that can compete primarily with the existing major stores of Sainsbury (at Pinhoe) and Tesco Extra (at Exe Vale).

In terms of the sequential test pre-application discussions with the applicant identified the following sites that required consideration in the Retail Assessment –

- The bus and coach station site on Sidwell St/Paris Street
- The planned new town centre at Cranbrook
- The site of the existing Exeter Deaf Academy on Topsham Road, and
- The possible expansion of the Sainsbury's store on Pinhoe Road

Factors relevant to the sequential assessment of sites include availability, suitability and viability (as set out in Government guidance - Planning for Town Centres - Practice Guidance on need, impact and the sequential approach).

- Bus/Coach Station

In respect of the bus and coach station site, whilst it can be argued that this site is available the impact assessment concludes that it is not suitable or viable for a large convenience food store of the size proposed by the operator in this application. Reasons include operational constraints including frontage presence, irregular site shape, and difficulties around parking provision. Consequently it concludes that this site is not suitable for store of the size proposed. Initial feasibility work undertaken by the Council and its development partner in respect of the bus and coach station site tend to support this conclusion. Therefore this site is not considered to be sequentially preferable in the context of this application.

- Cranbrook

In respect of Cranbrook, the impact assessment argues that Cranbrook is not an existing town centre and therefore may not be considered a sequentially preferable location. Notwithstanding this it argues that given the small size of the consented store within Cranbrook's planned town centre, the critical mass of housing required to support it, and the timing of the delivery of infrastructure to support it, Cranbrook cannot be considered sequentially preferable for a store of the type proposed as part of this application in terms of availability, suitability and viability. It is acknowledged that representations have provided a counter argument on both the principle of whether Cranbrook should be considered as a sequentially preferable location and its merits with regard to availability, suitability and viability.

Consent exists for a store of 3500m<sup>2</sup> within the planned, but as yet undelivered, Cranbrook town centre. It is not clear that a larger store could be accommodated within the identified town centre, nor if this would be supported in terms of the aspirations for the town centre to be created, and the wider retail impact. In the absence of a planning consent for a larger store the suitability of the site at Cranbrook as an alternative to the application site has to be questioned. Likewise, the timing in terms of delivery of necessary supporting infrastructure



and critical mass of dwellings to support such a large store, is likely to be a longer timeframe and therefore it is arguable whether Cranbrook would be sequentially preferable in terms of availability and viability in the context of this application. Having given the matter due consideration it is not considered that Cranbrook represents a clearly sequentially preferable site in terms in the tests of availability, suitability and viability.

- Exeter Deaf Academy Topsham Road

For the purposes of retail assessment this site is an out of centre location like the application site. Consequently, in terms of the location the sites are sequentially similar. For out of centre sites such as these the NPPF requires that preference should be given to accessible sites that are well connected to town centres. In respect of this the submitted retail assessment concludes "In relation to nearby defined centres, the Academy site does not offer any materially better connections in terms of the potential for linked trips. In relation to accessibility, the Academy site is, like Middlemoor, close to residential areas and, also like Middlemoor, is close to bus routes travelling across the site. Therefore, we see no material difference in favour of the Academy site which should lead ECC to conclude that it should be preferred over Middlemoor site in terms of the sequential approach." "Whilst the site is closer to the city centre than Middlemoor, bus services in the vicinity of the Middlemoor site are likely to improve in association with other developments in the locality such that the relative merits of the two are not significantly different. In this context, were the view to be taken that the Academy site is marginally preferable, the enabling element of the store at Middlemoor, in terms of delivering enhanced police infrastructure to the benefit of the city and its wider hinterland, is considered to outweigh any marginal accessibility advantage of the Deaf Academy site.

- Expansion of Sainsbury Store, Pinhoe

Even if this site is considered in the context of its position adjacent to a potential location for a new local centre within the Monkerton/Hill Barton strategic allocation, and is considered available and viable, it is not considered to represent a sequentially preferable site in terms of suitability for a retail development of the size proposed in this application. Delivery of significant convenience retail floor space of the scale proposed in this application, in this location, would be contrary to Core Strategy policies CP8 and CP19. Policy CP8 only refers to local retail facilities as part of the community provision at the Monkerton/Hill Barton and Newcourt urban extensions, and states that retail development in these locations should be appropriate in scale and character to the role and function of the proposed location.

### Impact Test

Impact Assessments should include assessment of the following -

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to 10 years from the time the application is made.

In terms of impact on investment pre-application discussions with the applicant identified that following required consideration in the Retail Assessment –

- future redevelopment proposals at the bus and coach station site
  - planned town centre at Cranbrook, and
  - planned new centre at Monkerton/Hill Barton
- 
- Bus/coach station

Given the work undertaken to date on delivery of the redevelopment of this site, and the mix of uses now considered feasible and desirable as part of any redevelopment, it is not considered that approval of a large convenience retail store on the application site would have a significant impact on investment decisions in respect of the bus station redevelopment. There is now considered to be a less obvious relationship between the proposed store and the potential redevelopment of the bus and coach station site. It is not considered that approval of this proposal would prejudice the inclusion of smaller scale convenience floor space being delivered as part of any bus and coach station redevelopment scheme given the demand from major retailers to operate multiple stores of varying sizes within the city.

- Cranbrook

The retail assessment argues that a store on the application site and any store within the planned Cranbrook town centre would have different catchment areas and therefore a decision on either would not prejudice investment in the other. Having considered the assessment it is actually apparent that Cranbrook and environs does fall within the catchment area of the proposed store, albeit not within the identified primary catchment area. To some extent the relationship of the proposed store to Cranbrook would be similar to the relationship of Cranbrook with the Tesco at Digby and Sainsbury at Pinhoe. Quantifying how much trade from Cranbrook residents would go to the proposed Morrisons store is difficult, especially allowing for the fact that some of that trade may have gone to Tesco or Sainsbury in Exeter in the absence of a Morrisons on this site. It is acknowledged that if this scheme is granted there could be some impact on investment decisions in respect of delivery of the Cranbrook town centre. However, the key consideration is whether that impact would be so significant as to warrant refusal of this application. It is considered that in a worst case scenario, as a result of permission being granted for this store, there would need to be more housing built at Cranbrook than might previously have been the case before a retailer is convinced that a supermarket there is justified and viable. The extent of that delay is impossible to quantify accurately, and thereby it is difficult attach a significance to that potential delay. Notwithstanding this, in the medium to longer term it is considered that the opportunity for a retailer to acquire an anchor position within Cranbrook would remain an attractive proposition to retailers in making investment decisions. On balance, and having considered representations made, it is not considered that there is such a clear and definitive case that this proposal would have such a significant adverse impact upon investment decisions regarding Cranbrook town centre such that refusal could be justified.

- planned new centre at Monkerton/Hill Barton

Consent has been granted for a new local centre that includes some retail provision on part of the Monkerton/Hill Barton strategic allocation in relatively close proximity to the application

site. There is currently significant interest being expressed in delivering this development. It is considered that any convenience retailing on that site is likely to serve the day to day shopping needs of the new community, and could therefore be seen as complimentary to the larger main shopping destination store proposed in this application. In this context it is not considered that the proposal would have any significantly detrimental impact investment in this location.

In terms of impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area pre-application discussions with the applicant identified that following required consideration in the Retail Assessment –

- City Centre
- Pinhoe Local Centre
- Heavitree District Centre

The retail assessment examines the impact in terms of trade diversion on the above centres and the wider city. It identifies that by far the largest anticipated trade diversion is from the existing large retail stores at Tesco Exe Vale and Sainsbury Pinhoe Road (£11.2 million and £10.2 million respectively). The assessment concludes that the Morrisons store proposed as part of this application will not have a significant adverse impact upon any defined existing shopping centre in Exeter in terms of either vitality or viability. With regard to the 3 centres identified above it concludes that none of them will experience a material reduction in their health and that any trade loss will be minimal. Based on the submitted analysis, whilst it is acknowledged that the scheme would have some impact, it is not considered that this would be so significant as warrant refusal on the grounds of impact on vitality and viability or local consumer choice.

### Transportation

The transportation issues in respect of this proposal can be broken down into 3 main categories. Firstly, there are the wider implications for the existing highway network that will arise from additional traffic generation associated with the development. The second category relates to more specific capacity, safety and design issues associated with the formation of the new accesses to serve the development (the new 5th arm off the roundabout on Honiton Road and the access off Sidmouth Road. Finally the third category relates to matters within the site such as the internal road layout, location and number of parking spaces and pedestrian cycle links incorporated within the scheme.

It is inevitable that the development, particularly the new retail store, will generate additional traffic that will utilise the surrounding highway network. The submitted Transport Assessment predicts the additional traffic generation and its distribution across the highway network as part of its appraisal of the likely impact of the development. The Transport Assessment covers this application for the proposed supermarket/police accommodation and the residential development on other parts of the Middlemoor complex. The Highways Agency have identified that the predicted uplift in traffic flows associated with the combined developments passing through junctions 29 and 30 of the M5 would exceed the thresholds that trigger the need for assessment in respect of those junctions. It is necessary to ensure that the proposed scheme would not have any significant adverse impact on the strategic highway network in terms of both capacity and safety. Consequently the Highways Agency have issued a formal direction preventing the grant of planning permission for 6 months (from the 25th September 2013) to enable the relevant assessments to take place. This work

is currently being undertaken and is the subject of further negotiation and deliberation by the Highways Agency, Highway Authority and officers. An update on the outcome of this will either be circulated by an update sheet prior to committee, or be provided verbally at committee.

In terms of the new access onto Sidmouth Road the Highway Authority have not raised any objection. In the position proposed it is possible to achieve satisfactory visibility in both directions and the access would not conflict with the vehicular access serving the existing residential dwellings opposite, the entrance to the Exeter Arms and the bus stops further north along Sidmouth Road. Given the limited anticipated use of this access (it only serves 20 visitor parking spaces) it is not considered that it would have any significant impact upon the function or safety of this stretch of Sidmouth Road.

The majority of the operational traffic associated with the new police hub will utilise the existing internal access road (Alderson Drive). Alderson Drive links to the public highway network via a T-junction onto the stretch of the A3015 linking Hill Barton Road and Honiton Road. It is currently a private road serving the Devon & Cornwall Police Headquarters complex however it is proposed that it will be improved to an adoptable standard up to and including the access points into both parcels of the residential development proposed on parts of the Middlemoor site. Based on the submitted assessment, the scope of which was agreed with the County Council, it is considered that the Alderson Drive access junction will continue to operate well within capacity and therefore cater for the proposed additional police accommodation, the residential development and the existing police headquarters, as a safe and suitable access to the site.

The existing vehicular access off the Middlemoor roundabout will be utilised as the operational access for the new Criminal Justice Centre as is considered adequate for this purpose.

The most significant change in terms of the local highway network is the proposed new access from the roundabout on Honiton Road to serve as a dedicated access for servicing and customers of the new retail store and associated petrol filling station. The impact of this additional arm off the roundabout has been the subject of significant representation in terms of impact/capacity of the roundabout and Honiton Road generally to accommodate the additional traffic, and the exacerbation of existing access difficulties around the roundabout (including for pedestrians and cyclists). The Highway Authority, whilst accepting that a new arm off the roundabout specifically to serve the store is the most appropriate access solution, have expressed initial concerns about the design of the roundabout. Negotiations over this matter and other details raised in the Highway Authority's consultation response are on-going but it is anticipated that appropriate clarifications/solutions will be forthcoming and a revised consultation response is anticipated. The outcome of these negotiations will either be circulated via an update sheet prior to committee, or be provided verbally at committee.

The store access road rises gradually into the site and serves the filling station in the northern corner of the site and then divides at the north-east corner of the store to provide dedicated access to the service yard to the rear of the building and to the customer parking areas to the front and side of the store. At the midpoint of the access road there is also a pedestrian access to the parking area that links to a segregated walkway across the car park to the store entrance. The store parking comprises 418 car parking spaces, of which 26 are dedicated disabled spaces and 16 are parent and toddler priority parking bays, 8 motorcycle

parking spaces, and ?? cycle parking spaces. This level of parking provision is consistent with the indicative parking standards set out in the Council's Sustainable Transport SPD and is considered acceptable. The plans also provide a pedestrian/cycle path link from the parking area close to the store entrance onto Alderson Drive. This link will facilitate access to the store from the dwellings proposed on other parts of the Middlemoor complex and from existing residential areas to the west of Hill Barton Road. It will encourage the use of alternatives modes of transport to the private motor vehicle and its delivery prior to the opening of the store will secured by condition.

In respect of the new police accommodation the internal access arrangements, which utilise the existing internal road network within the Middlemoor complex, are considered acceptable. The proposed locations for the parking facilities to serve this part of the development are acceptable and relate well to the buildings and uses they will serve. A total of 271 car parking spaces are proposed and this reflects the specific operational needs of the Police Authority and is considered appropriate in this context. There are also 50 cycle parking spaces split across 2 locations, one close to the visitor car park off Sidmouth Road and the other to the rear of the proposed buildings.

In respect of detailed highway matters relating to access to the site the Highway Authority has now indicated that they are satisfied that safe and suitable access can be provided subject to delivery of improvements to the junction of the A015/Hill Barton Road and the detailed design of all the accesses being agreed pursuant to conditions. Conditions will also be required to secure on-site parking provision, pedestrian/cycle links, travel plan and a Construction Management Plan.

### Design

Both the retail supermarket and the new police accommodation buildings are substantial buildings that will become prominent features in the locality within which they are situated.

The design of the new police accommodation has evolved from appraisal of the site and the operational requirements of the Police Authority and has been subject to consideration by Home Office Design Review Panels. The accommodation has been split into three discreet but linked building elements comprising a two-storey Criminal Justice Centre (CJC) on the highest part of the site closest to the existing buildings and 2 three-storey police hub buildings that follow the contours of the site which fall gently to the south. Between the CJC and existing police accommodation will be the secure compound/operational parking associated with the custody facilities the access to which is limited to operational vehicles only from the improved access off the Middlemoor roundabout. The most southerly of the two police hub buildings is also set back further into the site and the link between these buildings provides an opportunity for a glazed atrium which clearly identifies itself as the main entrance to these buildings and the public visitor entrance for the custody facility. A small visitor parking area is proposed in close proximity to this entrance area and is served by the new vehicular and pedestrian access off Sidmouth Road. The replacement football pitch will be located on the remaining open area at the southern end of the site. Operational/staff parking is located to the rear of the buildings and along the eastern boundary. In design terms the scale and massing of the buildings are considered appropriate given the character of the site, and its constraints. Externally the buildings have been designed in a contemporary way with the elevations broken up by the use of varying materials including dark grey block work, white painted render, aluminium curtain walling, blue patterned glass and aluminium/steel framed windows. Overall it is considered that the

articulation of the buildings and choice of materials will result in a high quality design appropriate to both the function of the buildings and their context.

By their very nature large supermarket buildings tend to be rectangular buildings with predominantly flat roofs and have distinct public and service/operational facades. The building is located towards the rear of the available site with customer parking wrapping around the two publicly prominent elevations leaving the service road and yard largely concealed from prominent public view behind the building. The building has been designed with a covered curved entrance lobby incorporating vertical aluminium Brise Soleil as the focal point of the store elevations facing the customer car parks. The associated petrol filling station will sit at the front of the site screened by retained trees and proposed replacement planting. Due to the gradient of the new store access from the roundabout a retaining wall supporting the new parking areas is proposed. The area in front of this structure will be landscaped as part of the formation of the new access to retain a landscaped frontage to the road. The store will be constructed from a combination of external brick work, aluminium cladding panels and aluminium fenestration. The elevation facing towards the vehicular access and roundabout will also incorporate a recess at ground floor level that gives relief to the massing of this elevation. Along the boundary of the store site with the retained Alderson Drive (serving the potential new residential accommodation and the Middlemoor complex) new tree planting is proposed. The design and massing of the proposed store is considered acceptable.

#### Relationship to surroundings

The relationship of the proposals to surrounding areas in terms of highway matters is addressed above. More specifically in terms of the proximity of the proposed buildings to existing development nearby residential and industrial development the other side of the railway line, both the retail store site, and the police accommodation site are some significant distance away from the nearest neighbours. Both developments will inevitably change the outlook viewed from those surrounding buildings looking back across the sites but given the separation distances involved the massing and relationship between them is considered acceptable.

The new residential development proposed on adjoining parts of the current Middlemoor complex will have a closer relationship, particularly in respect of the retail store. However the relationship is considered acceptable in principle and conditions will ensure that the operation of the store is conducted in such a way as to minimise any potential nuisance, and that the dwellings are designed to provide acceptable residential environments allowing for the presence of the store and the police accommodation.

In respect of the Criminal Justice Centre (custody) concerns have been expressed by residents of surrounding properties that this will have a negative impact upon their residential amenity and safety, principally due to activities associated with the release of detainees and their need to pass through residential areas to access public transport and get away from the site. The nearest bus stops on Sidmouth Road are only a short distance from the proposed entrance/exit of the custody centre and can be accessed without the need to enter adjoining residential areas. Whilst access to the train station at Digby could result in people passing through adjoining residential areas it is not considered that the impact perceived in the objections will be significant, nor that this would amount to a sustainable reason to refuse the application. The applicant has advised that the Custody Centre will be carefully managed to minimise any potential disturbance to surrounding areas. The current custody centre at

Heavitree Road Police Station is similarly close to existing residential properties and appears to function without significant adverse impact upon the residents.

Overall the relationship of the proposed buildings to surrounding developments and the potential impact upon them is considered acceptable.

### Sports Pitches

Part of the site for the new police accommodation currently comprises the police sports pitches for football/cricket and police dog training area. With the permission of the Police Authority the football pitch has been used by football teams from the community. Although the proposed new custody facilities and police accommodation will involve a reduction in the amount of open green space on the southern part of the site the scheme has been designed to incorporate a full adult size replacement football pitch, and retention of the pavilion/ changing rooms. The applicant has indicated that the pitch will remain available for community use subject to the operational limitations of the Middlemoor complex as the Police Authority Headquarters. As the proposal has an impact on existing sports pitches it has been necessary to consult Sport England in line with national requirements. Sport England have objected to the proposal on the grounds that whilst the full size adult football pitch would be replaced as part of the proposal, there appears to be an overall loss of open space capable of accommodating further pitches, and therefore the proposal is contrary to their playing fields policy. The applicant has clarified that the land around the current pitch is utilised by the police for a number of activities including police dog and firearms training and as such has not been formally available for pitch use, and that no cricket has been played at the site for a number of years. Sport England's response acknowledges the practical issues that would make it very difficult for a cricket club to base themselves at the site.

In view of the fact that the application maintains the 'status quo' in terms of a full size adult football pitch with appropriate run off areas and changing facilities on the site, and the fact that this is a private site with very limited public access for security reasons, it is not considered that the general loss of open space, which is currently used by the Police for other uses or informal sports use, would so harm sporting activity within the city so as to justify refusal of this scheme. In light of the objection from Sport England it is possible that the Secretary of State would need to be consulted prior to any grant of planning permission. An update on this position will be provided prior to or at the Planning Committee.

### Landscape Impact/Ecological Impact/Archaeological Impact

There are no landscape designations relating to either part of the application site. It is not considered that the proposed redevelopment of this land is likely to affect any statutorily protected sites or landscapes. The frontage of site to Honiton Road comprises a well established small woodland area of trees and the proposal will have an impact upon this as a result of the formation of the new access (5<sup>th</sup> arm) off the roundabout that is proposed to exclusively serve the proposed retail store. This will involve removal of some existing trees and will open up the view into the site to a greater degree than is currently possible. The proposal seeks to retain as much of this woodland belt as possible and will incorporate some replacement landscaping to minimise the visual impact. The remainder of the store comprises 3 existing buildings that will be demolished to make way for the store and open land. This part of the site is free from significant existing vegetation.

The new police accommodation to the south of the Middlemoor complex will retain the majority of the existing trees bordering Sidmouth Road (except for a small break to form the new public access to the custody centre). However some existing vegetation will be removed to facilitate construction of the new police accommodation but again significant replacement landscaping forms part of the proposed development and will ameliorate the necessary vegetation removal to implement the scheme.

From distant vantage points the both the store and the new police accommodation will be seen in the context of existing development and as part of the built up area of the city. In this context, and allowing for the new landscaping proposed as part of the development, the visual/landscape impact of the development is considered acceptable.

The Extended Phase 1 Habitat Survey submitted in support of the application concludes that the site has limited potential habitat to support any statutorily protected species. Natural England had queried the position in respect of bats and Great Crested Newts (due to the presence of existing ponds within the Middlemoor complex). It has since been clarified that the ponds are not suitable to support Great Crested Newts and that no evidence of their presence has been found. With regard to bats, all of the existing buildings to be demolished as part of this development have been subject to detailed external assessment that has concluded they have negligible potential to support roosting bats. Based on this information Natural England has advised that the proposed development would be unlikely to adversely affect bats. Some of the peripheral trees do have potential as bat roosts and could act as part of foraging routes for bats present in the vicinity of the site however these are being retained as part of the development. Conditions are proposed to cover further investigations in respect of bat presence prior to the demolition of any buildings/removal of trees, and in the event that any previously unidentified bat presence is found, that appropriate mitigation is implemented. Overall it is not considered that the proposal would have any significant adverse ecological impact. A condition is proposed relating to agreement of a wildlife plan to ensure that the development is carried out in such a way as to enhance the overall wildlife value of the site.

From an archaeological perspective both parts of the site appear to have been subject to previous disturbance associated with current buildings and previous land remodelling. Geophysical surveys have confirmed this and suggest that only small parts of both locations within the Middlemoor complex appear likely to retain any significant potential for archaeological remains/interest. Consequently any further archaeological work should concentrate on the central area of the retail site and the police development to the south. This can be adequately secured by an appropriate condition attached to any approval.

### Sustainability/Drainage

The site is located within Flood Zone 1 (low risk of flooding). The proposed surface water drainage strategy for the site has considered the potential of the site to incorporate sustainable drainage solutions but the scope is limited due to prevailing ground conditions. However, opportunities to maximise permeable surface water drainage, such as over the hard surfaced car parking areas, will be taken up wherever possible. Negotiations between the developer, Environment Agency and South West Water have ensured that the reliance on a purely discharge to sewer approach has been minimised given the site constraints and based on further submitted information the Environment Agency have removed their original objection. Foul drainage will be connected to the public sewer system. A condition requiring full details of the proposed drainage approach to be agreed is proposed.



Policies CP13 (Decentralised energy networks) and CP15 (Sustainable construction) are relevant to this proposal. CP13 requires development exceeding specified thresholds (such as this application) to connect to any proposed decentralised energy network in the locality unless it can be demonstrated that it would not be viable or feasible to do so. A new decentralised energy network is proposed at Monkerton that could feasibly also serve this site. Accordingly, to ensure compliance with policy it is proposed that either conditions, or relevant clauses within the S106 Agreement, are imposed ensuring that the retail store and police accommodation are designed in such a way as to facilitate connection to a district heating network, and subsequent connections made, if considered viable and feasible.

Policy CP15 relates to sustainable construction and requires all non-domestic development to achieve BREEAM 'Excellent standards from 2013, and to be zero carbon from 2019 onwards. In respect of the retail store that submitted information states that proven best practice techniques will be applied to the scheme concurrent with the design evolution of the project and the aim is to achieve a BREEAM rating of 'very good'. It is considered that this should be raised to 'excellent' in line with adopted policy and an appropriate condition is proposed to secure this. In addition roof-mounted photovoltaic solar panels are proposed. In respect of the police elements of the application investigations suggest that part of the site has potential for a ground water heating system and it is proposed to utilise a ground source heat pump and photovoltaic panels. It is proposed that all of the police elements of the scheme will meet BREEAM 'excellent' standard. A condition is proposed to ensure these standards are achieved and that thereby the site is developed in a sustainable way.

### Financial Considerations

This proposal represents chargeable development in terms of CIL. The police accommodation is chargeable at zero rate while the retail element of this application will be chargeable at a rate of £125/m<sup>2</sup>. Allowing for the relief obtainable based on existing buildings to be demolished to implement the consent, the CIL liability is likely to be in the region of £634,875. This figure has been based on the currently submitted drawings and rounded figures. It will be necessary to clarify internal floor areas based on more detailed construction drawings when issuing the final CIL liability notice and may therefore vary slightly.

The proposal will also generate significant revenue in the form of business rates.

### Section 106 agreement

An agreement under Section 106 of the Town and Country Planning Act 1990 will be required to secure the following:

- Local specific highway improvements
- Travel Plan
- Requirement to utilise a district heating system unless it can satisfactorily be demonstrated that it is not feasible to do so (possibly replaced by condition if appropriate)
- Rights to provide appropriate district heating pipe work for the development (possibly replaced by condition if appropriate)
- Local employment opportunities
- Community use of the Sports Pitch subject to operational restrictions

## Southern Area Working Party

Members noted the two distinct elements of the application, namely the retail store and police accommodation. The representations received to date were noted and Members noted the on-going negotiations between the applicants and officers. Some Members expressed concern over the more isolated position of the CJC compared with the central location of Heavitree Road Police Station. Members noted that the application would be determined by Planning Committee.

## Conclusions

### **RECOMMENDATION**

Subject to further consultation response from the Highways Agency, and removal of their Holding Direction, and satisfactory revised consultation response from DCC as Highway Authority, delegated authority be given to the Assistant Director City Development in consultation with the Chair of Planning Committee to APPROVE the application subject to:

- A Section 106 Agreement to secure the matters identified above
- The following conditions (which may be varied or supplemented as appropriate)

**APPROVE** subject to the following conditions:

- detailed design drawings of new roundabout for superstore
  - detailed design drawings of new junction for CJC on Sidmouth Road
  - Pedestrian and cycle links within the site
  - petrol filling station access
  - staff travel plan
  - on site vehicular and cycle parking (wording of all above to be agreed with DCC) and -
- 1) C05 - Time Limit - Commencement
  - 2) C15 - Compliance with Drawings
  - 3) The development shall not begin until full details of drainage works have been submitted to and approved by the Local Planning Authority in writing. The drainage details submitted pursuant to this condition shall accord with the submitted Flood Risk Assessment & Drainage Statement dated July 2013 (as modified by the FRA & DS Addendum dated December 2013).  
**Reason:** To ensure the satisfactory drainage of the development.
  - 4) C17 - Submission of Materials
  - 5) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The

landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme. The submitted landscaping scheme will be expected to accord with Landscape concept drawing nos 02 Rev E and 03 Rev B that accompanied the submitted Soft Landscape Works Maintenance and Management Proposals document dated 16th April 2013.

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

- 6) C38 - Trees - Temporary Fencing
- 7) C37 - Replacement Planting
- 8) C57 - Archaeological Recording
- 9) C70 - Contaminated Land
- 10) Construction work shall not take place outside the following times: 8am to 6pm (Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of the amenity of occupants of nearby buildings.
- 11) The lighting to external areas (and any external facing internal lighting) of the supermarket development shall be turned off between the hours of 11pm and 6am daily unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To prevent light pollution in the interests of the residential amenity of the occupants of surrounding properties.
- 12) Separate Construction Environmental Management Plans (CEMP) in respect of the supermarket development and the police accommodation shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on each respective element of the development hereby approved, and shall thereafter be adhered to during the construction period. These should include:
  - (a) details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust.
  - (b) details of the phasing and timing of work to minimise noisy activities on Saturdays and measures that will minimise the impact of construction traffic on the local road network, including parking.
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the county highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) details of wheel washing facilities and obligations

(j) The proposed route of all construction traffic exceeding 7.5 tonnes.

(k) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Prior to commencement it is recommended that the developer consults, and if necessary meets with, the Local Highway Authority to establish a safe means of progress.

The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during this phase of the development, in order to discuss forthcoming work and its environmental impact.

**Reason:** To minimise impacts from construction related traffic on the environment, the amenity of local residents/businesses and safety on the public highway.

- 13) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement or calculation prior to occupation of the development.  
**Reason:** In the interests of residential amenity.
- 14) Prior to the retail store hereby approved being brought into operation a Management Plan covering details of all delivery and servicing arrangements associated with the store shall be submitted to, and be agreed in writing by, the Local Planning Authority. The management plan should be based on the Wm Morrison Supermarkets Plc Quiet Delivery (Noise Management) System and include provision for appropriate noise trials in line with the 'Quiet Deliveries Demonstration Scheme 2011. Thereafter the store shall be operated in accordance with the agreed Management Plan at all times unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** In the interests of minimising the potential noise impact of the store upon residential amenities within the vicinity of the site.
- 15) The buildings comprised in the development hereby approved shall be constructed so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy (district heating) network at Monkerton and Hill Barton. Prior to occupation of the development the necessary on site infrastructure 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 LPA.  
**Reason:** To ensure that the proposal complies with Policy CP13 of Council's Adopted Core Strategy in the interests of delivering sustainable development.
- 16) Any individual building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1 January 2019. Prior to commencement of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM

assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.

**Reason:** In the interests of sustainable development.

- 17) Where construction of any building hereby permitted has not been commenced before 1 January 2019, the Local Planning Authority shall be notified in writing of the identity of all buildings for which construction has commenced before 1 January 2019, within 10 working days following that date.

**Reason:** In the interests of monitoring compliance with sustainable development requirements.

- 18) No development shall take place until a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out 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.

#### **Local Government (Access to Information) 1985 (as amended)**

##### **Background papers used in compiling the report:**

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