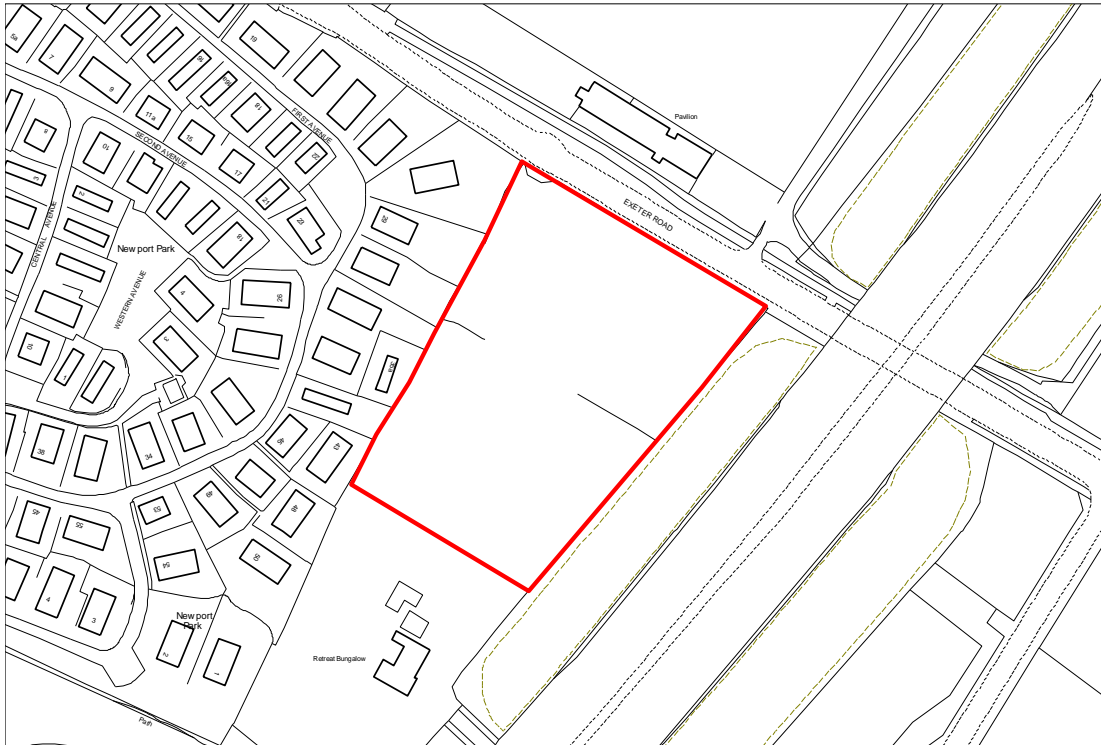


ITEM NO. 2

COMMITTEE DATE: 29 JUNE 2015

APPLICATION NO: 14/2083/03 **FULL PLANNING PERMISSION**
APPLICANT: ALDI Stores Limited
PROPOSAL: The erection of Class A1 foodstore (1,635 sq m gross) with associated access, car parking and landscaping, and other associated works.
LOCATION: Land to the south of Exeter Road, Exeter Road, Topsham, Exeter, EX3
REGISTRATION DATE: 30/09/2014
EXPIRY DATE: 30/12/2014



Scale 1:2000
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HISTORY OF SITE

There is no relevant planning history relating to this site.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises a 0.62 hectare parcel of land situated on the south side of Exeter Road sandwiched between the park homes at Newport Park (to the west) and the motorway embankment (to the east). There is an existing stone wall forming the northern boundary of the site with Exeter Road, whilst the embankment between the site and the motorway contains a number trees that will be unaffected by the development. To the south lies an existing residential property.

Permission is sought for the erection of a Class A1 food store with a gross floor area of 1635m² together with associated access, car parking and landscaping. The existing stone wall to Exeter Road would be removed and a new access to the site formed along with a new footpath across the site frontage. The store building would be located parallel to the eastern

boundary with servicing to the rear. A total of 98 parking spaces are proposed distributed primarily between the store building and Exeter Road and along the western boundary.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting documents -

- Planning Statement
- Design and Access Statement
- Retail Assessment
- Historic Environment Appraisal
- Drainage Strategy
- Transport Statement
- Archaeological Geophysical Survey
- Extended Phase 1 Habitat Survey Report
- Reptile Survey Report
- Arboricultural Impact Assessment & Tree Protection Plan
- Arboricultural Method Statement
- BREEAM Pre-Assessment
- Energy Statement
- Statement of Community Involvement
- Air Quality Assessment

REPRESENTATIONS

Numerous representations, both in support and objection, have been received in respect of this application. These representations have raised the following issues -

Objections (134 received, including representations on behalf of the Co-op and Dart Properties, and comments from the Topsham Society)

- impact on Topsham town centre/independent local shops, including those at Lower Wear
- wider social implications of any resulting loss of shops and services at Lower Wear
- contrary to national retail policy- sequentially preferable sites/retail impact
- impact on planned retail investment within Newcourt (Rydons/Seabrook Orchards)
- retail assessment - incorrect assumptions/analysis
- impact on community life of Topsham, including community events
- impact on delivery of community/social facilities within nearby Seabrook Orchards development
- not necessary - other similar shops/large stores easily accessible and local Co-op expanding
- traffic congestion/accidents
- highway safety - impact on cycle route
- poor design - out of character/adverse visual impact
- loss of Topsham gap/degradation of Topsham's identity
- detract from character/attractiveness of Topsham as a destination
- contrary to Development Plan
- better alternative locations i.e. within nearby Rydons/Seabrook developments/Newcourt Strategic Allocation
- loss of jobs in local businesses made unviable
- lack of footpath across site frontage
- noise - refrigeration units
- over spill parking in locality
- increased pollution, including light/noise
- impact of motorway noise on staff/visitors
- will encourage further car journeys and is thereby not sustainable development
- impact on wildlife

- will increase flooding risk, especially to road

Support (111 received)

- lack of progress with regard to delivery of retail provision within Newcourt development
- result in valuable revenue to the Council - business rates and CIL contributions
- welcome addition - nearest supermarket currently some distance away
- would reduce need to travel to shop
- cheaper alternative to existing shops
- increase choice
- create jobs locally
- limited impact on other local shops - different nature/customers
- will draw trade from other major supermarkets people already go to by car rather than impact on shops in Topsham
- meet needs of residents in new developments
- prolong independence by providing local facility
- meet a need for those without cars or unable to afford public transport
- easily accessible site by cycle/on foot to many people

CONSULTATIONS

Environment Agency - "as the site is in Flood Zone 1 and under 1 hectare we would rely on the best practice guidance for surface water management contained in our standing advice."

Environmental Health - request a noise impact assessment (since submitted and accepted), clarification of hours of use of lighting, scope of air quality assessment (since updated and agreed), and potential need for separate consent from the Environment Agency in respect of proposed on-site sewage treatment works. Recommends conditions relating to land contamination, Construction and Environment Management Plan (CEMP), delivery hours and plant noise and lighting.

RSPB - Highlight benefits of, and opportunities for, biodiversity enhancement as part of the development.

Natural England - No response received.

DCC (Head of Planning, Transportation and Environment) - No objection subject to conditions. The full observations of the Highway Authority on the merits of the proposal are included later in this report under the appraisal of the highway/transportation issues.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance
National Planning Policy Framework
National Planning Policy Guidance

Exeter Local Development Framework Core Strategy
Core Strategy Objectives
CP1 - The Spatial Approach
CP8 - Retail
CP9 - Transport
CP10 - Meeting Community Needs
CP11 - Pollution and Air Quality
CP12 - Flood Risk
CP14 - Renewable and Low Carbon Energy in New Development
CP15 - Sustainable Construction
CP16 - Green Infrastructure

CP17 - Design and Local Distinctiveness
CP18 - Infrastructure
CP19 - Strategic Allocations

Exeter Local Plan First Review 1995-2011
AP1 - Design and Location of Development
AP2 - Sequential Approach
S1 - Retail Proposals/Sequential Approach
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
LS1 - Landscape Setting
LS4 - Local Nature Conservation Designations
EN2 - Contaminated Land
EN3 - Air and Water Quality
EN5 - Noise
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG3 - Commercial Development

Exeter City Council Supplementary Planning Document

Planning Obligations SPD
Sustainable Transport SPD
Trees in Relation to Development SPD
Archaeology and Development SPD
Newcourt Masterplan
Draft Development Delivery DPD

OBSERVATIONS

Principle of development

In both the Adopted Local Plan and the Exeter Local Development Framework Core Strategy the site is identified as forming part of the landscape setting of the city and thereby subject to policies LS1 and CP16 respectively. Consequently this proposal constitutes a 'departure' and has been advertised accordingly. Notwithstanding this the context of this specific site has to be taken into consideration when assessing the current proposal. The land to the north, on the other side of Exeter Road, comprises part of the Newcourt Strategic Allocation which is proposed for around 3500 dwellings, 16 hectares of employment land and all associated infrastructure. The strategic allocation effectively removed the LS1 designation from that land. Consequently the application site is left as a small isolated parcel of land sandwiched between existing residential development and the motorway. In this context it is considered that it has a very limited future role in contributing to the wider landscape setting of Exeter. This is further emphasised by the fact that in the Draft Development Delivery DPD the landscape setting designation is removed from this land. Consequently the land is no longer considered worthy of protection from development in principle.

Assessment of the Proposal

Having established that there is no 'in principle' reason why the application site should not be developed it is necessary to assess the specific material planning considerations associated with the proposed development. In the context of this proposal the main considerations are considered to relate to retail issues, highway/transportation, site layout/design/landscaping, ecology/sustainability and archaeology.

Retail Issues

This section of the report sets out the policy position with regard to retail considerations, pre-application advice provided by officers on retail matters, the initial advice of the Council's retail consultant on the submitted application material, previous report to Planning Committee (April) and circumstances leading to its deferral, additional information submitted and the further advice of the Council's retail consultant with regard to the issues of sequential test and impact associated with this proposal.

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 3000m² of net retail convenience floor space within the city centre. 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 and CP19. National Planning Policy with regard to retail matters is set out in paras 23-27 of the NPPF, and in the Planning Practice Guidance.

In this context the questions to be considered are -

- Is there a sequentially preferable site in the context of development plan policies and the NPPF
- What is the impact of the proposal on other planned in centre retail investment
- What is the impact of the development on the vitality/viability of City Centre and existing district/local centres.

The specific requirements for sequential and impact tests are set out in paras 24 and 26 of the NPPF respectively as follows -

Para 24 - "Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

Para 26 - "When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- *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 five 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 ten years from the time the application is made."*

Despite the fact that this development is below the impact test threshold the Council suggested a retail assessment addressing both the sequential and impact tests was submitted to assist it in assessing the merits of the proposal. The applicant submitted an assessment, and in the light of representations, particularly in relation to the applicant's appraisal of sequentially preferable sites, and impact the Council sought independent retail advice from GVA.

In terms of the sequential test pre-application discussions with the applicant identified the need to consider potential sites within Topsham, Countess Wear, Heavitree and the local centres proposed in Core Strategy policies CP8 and CP19; and shown on the allocations map within the emerging Development Delivery DPD for the Newcourt strategic allocation. The Council's retail consultant in appraising the submitted Retail Assessment concludes that of the two local centres proposed within Newcourt, the one within the Seabrook Orchards development (which benefits from outline planning permission) is clearly a sequentially preferable site to that proposed. The other proposed local centre within Newcourt (former Upper RNSD - which has detailed planning permission), and the other sites referred to above, although technically considered sequentially preferable, are discounted as alternative sites to that proposed on grounds of suitability and/or availability. The applicant has dismissed the potential site within the Seabrook Orchards development on the grounds of suitability - stating that a discount foodstore such as that proposed by Aldi would not be consistent with the Council's definition of a 'Local Centre' as "A range of small shops of a local nature serving a small catchment area." Furthermore, the applicant argues that as well as being unsuitable for their proposal, this site should be discounted as sequentially preferable on the grounds of availability. They argue that currently the site only benefits from an outline consent that is non specific on the content/nature of the approved centre, and that given the lack of progress in relation to delivery of this development the site cannot be considered to be available within a reasonable timeframe.

The Council's retail consultant (GVA) does not support this view. However it was suggested in their initial advice that there needs to be some reasonable prospect of the Seabrook Orchards centre being able to accommodate the proposed store, taking into account a degree of flexibility in scale and format. It was advised that further information was required in this respect - at that time whilst the Seabrook Orchards site could offer a sequentially preferable location there was no evidence to show how the planned centre could be a suitable alternative to the proposed site. The current lack of infrastructure (principally access) to serve the proposed site within Seabrook Orchards was not considered reason to automatically discount the site. However it was advised that further information be sought in respect of progress in terms of delivery of the Seabrook Orchards site, particularly with regard to when the necessary infrastructure is likely to be in place to open up the site. This additional information was requested from the developer of the Seabrook Orchards development to both substantiate their objection to this proposal and inform the Council's consideration of the proposal.

Turning to the issue of retail impact, of which there are two aspects as mentioned above - impact on other planned retail investment and impact on viability/vitality of City Centre and existing district/local centres. The applicant's submitted Retail Assessment concludes that the proposal would have no 'significant' adverse impact in either of these respects. Many of the representations received, and particularly those received on behalf of the developer of Seabrook Orchards and the Co-op in Topsham, have challenged the basis of the submitted retail assessment and its conclusions. Having considered the representations and the submitted retail assessment GVA initially advised the Council as follows -

- In respect of impact on planned retail investment (principally that within the two proposed local centres within Newcourt) - as the proposal would be competing for the same catchment area and expenditure the current proposal is likely to have an impact upon the delivery of those local centres, at best stalling their delivery, and at worst compromising their delivery at all. It is relevant to note that apart from securing the necessary planning consents (in respect of the Seabrook Orchards site albeit only outline) there is no evidence available to demonstrate that meaningful discussions have been entered into, or contracts signed, with retail operators relating to the delivery of retail floor space within these local centres. In terms of the significance of the impact, if particular weight is placed upon the importance of delivering a new local centre within the Newcourt area (and it does form part of adopted policy in the form of policy CP19 of the Core Strategy) , then it could be concluded that the proposed Aldi store does have the potential to exhibit a significant adverse impact upon the delivery of this planned retail investment.
- In respect of impact on the vitality/viability of the City Centre and existing district/local centres - due to methodology adopted he concludes that the submitted retail assessment is of limited value in considering impact on vitality/viability. Based on their own analysis he concludes the proposed Aldi store would have a 7% impact on the annual turnover level of Topsham district centre. This is a clear adverse impact upon the health of Topsham district centre however in isolation this is not considered to amount to a 'significant adverse impact' in terms of policy set out in the NPPF (para 27) that would warrant refusal of the proposal on impact grounds. Notwithstanding this the advice states that were the proposed Aldi store to be delivered in addition to the proposed retail floor space within the two local centres at Newcourt (i.e. the delivery of those two centres is not prejudiced by this proposal - as is the case argued by the applicant) then in combination there is the possibility of 'significant adverse impact' upon Topsham district centre. It only highlights the 'possibility' of such impact due to the uncertainties surrounding the quantum of retail floor space that might come forward within the proposed Newcourt local centres.

Both the applicant, and principal objector provided responses to the Council's initial retail advice and further information to support their respective positions. Based upon this a report was prepared for the Planning Committee on the 27th April that highlighted the finely based nature of the retail considerations associated with the proposal. It concluded that although Seabrook Orchards was a sequentially preferable site it was not necessarily available and viable based on available information, and that in terms of impact both on Topsham District Centre and planned investment at Seabrook Orchards this was unlikely to be significant and therefore approval was recommended. Further representation was received prior to that committee which expressed concern that further advice had not been sought from the Council's retail consultant in response to additional information submitted by the principal objector and questioned the interpretation of the advice provided to the Council by its retail consultant. In these circumstances it was suggested that the conclusions, and hence recommendation contained in the report were erroneous. As a consequence consideration of the application was deferred to enable further clarification to be sought from the principal objector with regard to various matters including the potential timing of delivery of retail provision within the Seabrook Orchards development, what the appropriate timeframe to consider 'availability' should be, viability (in terms operator interest/marketing undertaken), likely content and trading characteristics of any local centre provided within Newcourt, and from the Council's retail consultant with regard to additional information provided and the interpretation of their initial advice.

Additional information was subsequently provided from the main objector in respect of the potential timing of delivery/availability of retail facilities within the Seabrook Orchards development, viability of those facilities (in terms of interest from commercial operators and the impact of approval of the current application upon those interests), the importance of the retail element of the proposed local centre within the Seabrook development to the delivery of the other elements (such as the school, community building, and health facilities), sustainability benefits of co-location and impact on other existing nearby retail facilities.

The applicant's agent responded to this information stating the following –

- fails to adequately address areas of clarification requested
- is incorrect in terms of assessment of 'availability', citing guidance that doesn't apply to retail policy/practice and ignoring relevant appeal decisions/cases
- timings of delivery of access to potential local centre site are such that time scale is not comparable to that for delivery of application site, and should therefore be disregarded as being available
- suggests the two expressions of interest in delivering retail provision have only retrospectively been sought following deferral, and as such are merely commercial positions statements that should be afforded little weight
- lack clarity about scale and content of likely retail floor space within Seabrook local centre, one being for a store significantly smaller than the Aldi proposal, and one much larger than the size indicated in the outline consent
- Co-op interest contradictory to their objection to proposal on grounds of impact upon existing Topsham store

Thereby advocating that Seabrook local centre should not be considered a suitable and available alternative to the current proposal, that meaningful evidence of a significant adverse impact has not been substantiated, and that therefore the application should be approved.

Further representations were received in response to the applicant's response. Based on the additional information supplied by the Seabrook Orchards developer, the applicant's response to that information, and further advice from the Council's retail consultant, who has reviewed all of the additional information and representations received since the application was deferred from the April Committee, the following conclusions with regard to the Sequential and Impact Tests as set out in the NPPF have been reached.

Sequential Test

The National Planning Policy Framework and policy CP8 of the Core Strategy foremost require development for main town centre uses (including retail) to be located in existing or planned centres. If suitable sites are not available, the next preference is for 'edge of centre' locations and then the most accessible out of centre sites.

A Local Centre is proposed as part of the strategic allocation at Newcourt. Already two centres have planning permission there. Both are considered sequentially preferable locations, even if not sequentially preferable sites and should therefore be assessed for their availability and suitability. The first is at 'The Rydons', the site of the former upper RNSD, which benefits from extant detailed permission dating back to 2008 but never implemented. The other is at 'Seabrook Orchards', which is a site benefiting from outline planning permission for up to 700 dwellings, and supporting infrastructure, on land across Exeter Road to the north of the current application site.

Even with considerable flexibility on the part of the current applicant, it is not considered that The Rydons site would be suitable to accommodate the proposed development.

With regard to whether or not the Seabrook Orchards site represents a sequentially preferable site the issue is best summarised as follows within the latest advice from the Council's retail consultant -

"Within our previous letter, we indicated that the proposed new local centre within the Seabrook Orchards development was to be considered as a sequentially preferable alternative to the ALDI application site. However, we suggested that further information and evidence was required to demonstrate that it is a suitable and available alternative location.

In relation to suitability, little further information and analysis is submitted by the applicant, although there is reference, in an e-mail from Turley (on behalf of the applicant) dated 20th May, to interest from the Co-op for a circa 500sq m store in the proposed local centre. Turley make the point that this size of store is smaller than the proposed ALDI store. In basic terms, these are two different store sizes but it is important to point out that the size of the store which could be provided as part of the new local centre does not have to be limited to 500sq m.

This is illustrated by the plan submitted to the Council by the promoters of the Seabrook Orchards development. It shows how, in illustrative terms, a retail store of the scale proposed by ALDI can be accommodated in the proposed new centre. We consider that this is the sort of information which was sought by our previous advice letter and shows how the proposed local centre can provide a suitable sequentially preferable alternative location to the application site.

In relation to the issue of availability, the promoter of the Seabrook Orchards development has submitted further information to illustrate how the necessary infrastructure can be provided in order to provide an access to the new local centre. This information shows how the first phase of residential development is being delivered by Bloor Homes and how the road infrastructure in this phase would be delivered by January 2017 (based upon the current arrangements between the land owner and developer).

In response, the e-mail dated 20th May from Turley provide their own interpretation of what this construction programme means for the availability of the land for the proposed local centre and when construction can commence. Turley's interpretation is that construction of the new centre cannot start until the access road within the phase one land has been completed. On this basis, Turley suggest that is not available now and refer to the Rushden Lakes call-in decision.

We do not agree with the analysis provided by Turley. First, we see no reason why construction of the new local centre cannot start before the access road on the phase 1 land has been completed and opened to the general public. Second, we do not agree with the suggestion that a site which can be made available by January 2017, some 18 months away, is not available. We consider that, even if construction could not start until January 2017, this is a reasonable period of time to wait to provide a store/centre which is part of the development plan strategy.

As a consequence, we consider that the additional information supplied by the promoter of the Seabrook Orchards development has been able to show how the proposed new local centre can offer a sequentially preferable alternative to accommodate the proposed foodstore within a reasonable amount of time. Therefore, on the basis of the available information, we consider that the proposed development fails the sequential test and the City Council should consider refusal of this application under paragraphs 24 and 27 of the NPPF, Policy CP8 of the Core Strategy and saved Policy S1 in the Local Plan."

Impact Test

The impact test, again set out in the National Planning Policy Framework and Core Strategy, requires that out of centre planning applications should be refused if the proposed development would result in a 'significant adverse impact' on existing identified centres or planned centres in the catchment of the proposal. In this case, the centres of focus are Topsham District Centre and the proposed Local Centre at Newcourt (Seabrook Orchards).

Impact on Topsham District Centre

The initial expert advice to the Council from GVA, indicated that the proposed development would result in an adverse (but not significant adverse) impact on Topsham District Centre. The focus of this impact is considered likely to be borne by existing convenience

goods retailers, particularly the Coop (which is one of approximately 90 commercial units in the centre). GVA concluded that, whilst the isolated impact of the proposed supermarket on Topsham District Centre may not be significantly adverse there are concerns that the in-combination impacts of the proposed store and development of local facilities including the local store at Seabrook Orchards may be significantly adverse.

Impact on investment at Seabrook Orchards

A local centre in the Newcourt area forms part of the up to date development plan's retail strategy. It is also a fundamental part of the success and sustainability of the Seabrook Orchards scheme and the retail element itself is essential to achieving the occupation/delivery of the remaining element such as the doctor's surgery, crèche and a cafe. Without the retail element there is a risk these will not be achievable. Significant weight should therefore be accorded to potential impacts on its delivery. The advice of GVA concludes that the proposed supermarket, 'has the potential to exhibit a significant adverse impact upon the delivery of this planned investment'. Whilst it is recognised that the consultants have referred to the 'potential' adverse effects, rather than 'likely', the thrust of their comments is that the likelihood of significant adverse effects considerably detracts from the merits of the current supermarket proposal.

Having reviewed all the additional information from the applicant and principal objector submitted since the deferral from the April Committee the Council's retail consultant has provided the following advice in respect of retail impact considerations associated with this proposal -

"In our previous advice letter concern was expressed over the impact of the proposed store on the delivery of investment in Seabrook Orchards local centre. The additional information from the applicant (in the e-mail from Turley dated 20th May) focuses on the correspondence from the Co-op (dated 7th May) and dismisses it as a 'commercial position statement'. Whilst this correspondence was sent after the deferral of this application at the April planning committee, we have no reason to suggest that it is not a genuine concern. In any event, it accords with our own views on this issue and it is notable that the promoter of the Seabrook Orchards development has consistently raised this as an area of concern.

Beyond the reference to the correspondence from Co-op, the applicant's latest submission does not provide any further information or analysis in relation to the impact of the proposed store on nearby defined town centres. Therefore, we remain of the view that the proposed development is likely to have a detrimental impact upon investment in a planned new local centre. Whilst the final decision on this matter rests with the City Council, it is our view that this is likely to represent a significant adverse impact upon planned investment and, if the Council agrees with this conclusion, then it should consider refusal of this application under paragraphs 26 and 27 of the NPPF and also due to a conflict with the Core Strategy.

In relation to the impact of the proposed store on defined 'town centres' our advice remains unchanged and will be dependent on whether the proposed retail store is delivered alongside a new foodstore in the new centre at Seabrook Orchards. If it is, then we consider there will be a significant adverse impact upon the health of Topsham district centre. The basis for this conclusion is outlined in greater detail on pages 13 and 14 of our previous advice letter."

It is clear from GVA's further advice that the additional information supplied since the deferral of the application from the April committee has clarified matters in respect of both the sequential test and impact issues associated with this proposal, and added further weight to the concerns set out in their original advice. It is acknowledged that the applicant has a different view in respect of both the impact of the scheme on planned investment/Topsham District Centre and whether or not Seabrook Orchards represents a sequentially preferable location in terms of suitability and availability. Notwithstanding this it is now considered, having revisited the initial advice from GVA, and with regard to the additional information

submitted since April and the further advice provided by GVA, that the retail considerations relating to sequential test and impact are sufficient to warrant refusal of the application.

Highway/Transportation Issues

The key considerations from a transportation perspective relate to the capacity of the highway network to accommodate traffic associated with the proposal and the ability to provide a safe and suitable access to the site for the proposed development. Based on the submitted Transport Statement, and following negotiations regarding the access onto Exeter Road and the design/layout of the on-site parking and internal circulation routes, the Highway Authority have provided the following consultation response which addresses the relevant transportation related issues –

"Traffic Generation

Based on survey data from comparable Aldi and Lidl stores taken from the TRICS database, the proposed store is expected to attract 120 two way PM peak hour trips into and out of the site. These figures are considered realistic.

Reflecting that the proposed use as a food store, a high proportion of trips to the site will be either pass by or diverted trips and the additional traffic from the site therefore limited. The information submitted by the applicant suggests that pass-by/diverted trips will account for 30% of traffic to the store- giving a resulting 80 two way trips. Evidence from other food stores, including that within TRICS Research Report 95/2, suggests this proportion is typically higher and therefore the applicants indication that in peak hours the development will result in 80 new two way vehicle trips is, in all likelihood, an over estimation.

Furthermore, in practice, the majority of trips can be expected to divert from other foodstores in the area, including the two other Exeter Aldi stores at Pinhoe and Alphington. As a result, although there will be additional trips on the highway in the vicinity of the proposal, there may be a small reduction felt elsewhere on the network. Therefore, on balance, the additional traffic arising from the development is not a significant cause for concern.

Access

Pedestrian/Cycle -The proposed foodstore can be expected to attract a significant amount of local traffic on foot. However there is currently no footway connecting the site to the surrounding network. To address this, the applicant has proposed providing a footway of approximately 1.8 metres width from the north west corner of the site west to the existing bus stop serving Newport Park. To provide this footway will require reducing road width to 6.0 metres, a minimum to enable two buses to pass. Such road widths are considered acceptable and, by narrowing the carriageway, will also help to reduce speeds on this section of Exeter Road. To the east of the site, a path along the eastern boundary to the store access will connect to a new shared use path under the motorway to the existing bus stop. A new shared use path will also be provided along the site frontage with Exeter Road. Details of the off-site footway works are shown in Drawing SK01 Rev E and are considered acceptable. This will tie into the access works proposed as part of an adjacent application (14/1605/01) and access works relating to Seabrook Orchards to the west. The exact details of this tie will need to be agreed through the detailed design process. The proposed footway will need to be provided before any part of the site comes into use and the applicant is advised that no works can take place on the public highway until a Section 278 agreement is in place between the applicant and the highway authority.

Vehicular - Vehicular access is proposed from a simple T junction onto Exeter Road. The principle of this access type is acceptable and formal analysis shows this to work within capacity. To promote sustainable travel, pedestrian/cycle priority will need to be provided across this access, which the applicant has indicated they are willing to accept. Following concerns that the proximity of the initial location of the access (in the centre of the boundary with Exeter Road) to areas where on site turning manoeuvres would take place would result in blocking back onto the highway the applicant has now shifted the access east and amended the layout of on-site parking. Following these changes, and subject to inclusion of pedestrian/cycle priority across the access, the arrangements shown in Drawing SK09 are acceptable and should be secured by condition.

Travel Plan

It is pleasing that a draft Travel Plan has also been submitted alongside the application and the full details of the Travel Plan should be agreed prior to occupation. Influencing travel patterns of customers may be more challenging and to help in achieving this consideration should be given to providing real time bus information within the store (as is provided at Waitrose, Heavitree Road).

Construction

To mitigate the impact on Exeter Road, adequate space will need to be made available within the site for construction traffic. It is recommended that this is secured by condition.

Conclusion

Following iterative changes to the on-site layout and access location, coupled with provision of footway along Exeter Road I am satisfied that a safe and suitable access to the site can be achieved. A high proportion of traffic to the proposed food store is likely to already be on the network, and is not of significant concern. No objection subject to conditions."

Notwithstanding the concerns raised in representations relating the traffic impacts of the proposal, in the absence of any significant adverse transportation issues being raised by the Highway Authority, it is not considered that there is any justifiable transportation related reason to resist the application.

Site layout/design/landscaping

The proposed building is sited parallel, and as close as is practical to, the eastern boundary of the site, with servicing to the rear and customer parking facilities located to the north, south and west of the store itself. This positioning of the building helps to maximise the distance between it and surrounding residential properties which, together with existing boundary treatments and new proposed fencing will help to minimise any potential impact on those properties arising from the operation of a retail store on the site. Due to the size of the site, number of parking spaces required, servicing and internal vehicular circulation arrangements, there is limited scope for new landscaping.

The store itself comprises a flat roof building with parapet capping around the top of the building, a canopy wrapping around the north-west corner of the building providing protection from the weather to the store entrance, shopping trolley storage areas and cycle parking, and a high level strip of glazing to the North-west elevation of the building facing the main parking area which helps to break-up the massing of this elevation. The external materials comprise rendered walls and powder coated aluminium shop fronts.

Overall the size of the building, and its design, is considered acceptable in the context of the site.

Ecology/sustainability

The potential presence of slow worms on parts of the site was identified in the Extended Phase 1 Habitat Survey Report. Consequently further survey work was undertaken which has established a small population of slow worms on the site. Although limited in number these are a protected species and would need to be translocated to a suitable alternative habitat prior to the commencement of the development. This can be secured by an appropriate condition.

Some limited perimeter vegetation would be retained as part of the development. Most notably the embankment to the motorway along the eastern boundary (outside the application site) would be unaffected by the development and continue to contribute to biodiversity in the locality. A condition relating to submission of a wildlife management plan identifying how the design of the development would maximise opportunities to enhance the ecological interest of the site would be required were permission to be granted.

The applicants have indicated that the development is likely to achieve a BREEAM rating of 'Very Good'. Core Strategy policy CP15 requires new development to achieve an 'Excellent' rating. A condition requiring this standard to be achieved, unless it was demonstrated that it is unviable or feasible to do so prior to the commencement of the development, would be required were permission to be granted.

Archaeology

The submitted geophysics and desk top study report, together with historical information relating to the adjoining site provides sufficient information to assess the potential impact of the development on heritage assets in the form of archaeological remains. Based on this information it is not considered that any remains present on site would be so significant as to preclude development in principle. However, it is important that any features of archaeological interest present on the site are identified and recorded. This could be secured by an appropriate condition were permission to be granted.

Financial Considerations

This development would be CIL liable and based on the indicated floor space of 1635m² this would generate a CIL contribution of approximately £231,957 based on the current CIL rate applicable to consents granted in 2015. The proposed retail store would also generate retained business rates.

Conclusion

The visual impact of the building, relationship to surrounding properties, and the means of access to it from the public highway, are considered acceptable. Therefore the determining issues in respect of this application relate to the suitability of the site for retail development in sequential terms, and the retail impact of the development upon planned retail investment in the proposed nearby local centres at Newcourt, and on the vitality and viability of Topsham district centre. Para 27 of the NPPF states -

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

The planning merits of this application in terms of retail issues are acknowledged as finely balanced. However, based on all the information now available, and the advice from GVA in respect of the analysis of the retail issues set out in this report, it is considered that the sequential test is failed by this proposal, that the impact on planned investment at Seabrook Orchards would be 'significantly adverse', and in the event that the application scheme were to come forward alongside the delivery of retail provision within that development, that the cumulative impact upon Topsham District Centre would also be 'significantly adverse'. Therefore, on balance the retail issues are considered overriding and the recommendation is one of refusal.

RECOMMENDATION

REFUSE for the following reasons:

- 1) The proposed development, which lies in an out of centre location, fails to meet the provisions of the sequential test, as set out in paragraphs 24 and 27 of the NPPF, and is thereby contrary to that document, policies CP8 and CP19 of the Adopted Exeter Local Development Framework Core Strategy and saved policy S1 of the Exeter Local Plan First Review 1995-2011.
- 2) The proposed development would have a significant adverse impact upon investment within the planned local centre at Newcourt in conflict with paragraph 26 of the NPPF, which in turn could undermine the overall sustainability of the

Newcourt Strategic Allocation, and is thereby contrary to paragraph 27 of the NPPF, policies CP8 and CP19 of the Adopted Exeter Local Development Framework Core Strategy and saved policy S1 of the Exeter Local Plan First Review 1995-2011.

- 3) In the event that both the proposed development, and retail provision within a local centre forming part of the Newcourt Strategic Allocation were to proceed the cumulative impact upon the vitality and viability of Topsham District Centre would be significantly adverse. Thereby the proposal would be contrary to paragraphs 26 and 27 of the NPPF, policy CP8 of the Adopted Exeter Local Development Framework Core Strategy and saved policy S1 of the Exeter Local Plan First Review 1995-2011.

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