

COMMITTEE DATE: 13/08/2018

APPLICATION NO: 18/0076/OUT
APPLICANT GPG Development Projects Ltd and Growen Estates Ltd
PROPOSAL: Outline application for mixed use development to provide town centre facilities comprising retail units (food and non-food) (Use Class A1) and restaurant units with ancillary drive-throughs (Use Class A3), together with associated access, access roads, service yards, car parking, infrastructure and landscaping (all matters reserved except access).

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

REGISTRATION DATE: 17/01/2018

EXPIRY DATE:

HISTORY OF SITE

11/1619/01 -	Outline planning permission to erect a mixed use development comprising B1, B8, D1, D2, C1, A1, A3, A4 and A5 uses (means of access to be determined only)	PER	19.06.2012
12/0954/02 -	Hotel and restaurant (Approval of reserved matters following outline approval 11/1619/01 granted 19 June 2012)	PER	17.12.2012
13/5128/03 -	Removal of condition 29 requiring a vehicular connection to the northern boundary of the site prior to the occupation of any retail unit (Ref. No. 11/1619/01 granted 19-06-2012)	PER	24.03.2015
14/1615/01 -	Mixed use development to provide a District Centre comprising uses within some or all of Classes A1 (Retail) with associated Garden Centre, A2 (Financial and Professional Services), A3 (Restaurants and Cafes), A5 (Hot Food Takeaway), D1 (Non-residential institutions), D2 (Leisure), associated means of access, access road, car parking, infrastructure works, public realm and landscaping	REF APPEAL DIS & REF BY SOS	02.12.2014 30.06.2016

DESCRIPTION OF SITE/PROPOSAL

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

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

The application has been submitted in outline with all matters reserved except access. The description of the proposal is to develop a mixed use development to provide town centre facilities comprising retail units (food and non-food) (Use Class A1) and restaurant units with ancillary drive-throughs (Use Class A3), together with associated access, access roads, service yards, car parking, infrastructure and landscaping. The Planning Statement states that approval is sought for a maximum floorspace of 13,200 sq m GEA / 12,634 sq m GIA, and a maximum building height of 53 m AOD (above ordinance datum). Of the 12,634 sq m GIA floorspace, approval is sought for a maximum of 11,961 sq m A1 uses (shops) and 673 sq m A3 uses (restaurants and cafes, including drive throughs).

Approval is also sought for the following plans:

- Proposed Location Plan (15049_PL01)
- Proposed Site Parameters Plan (15049_PL06)
- Highway Access Plan (PHL-01 B)

The Proposed Site Parameters Plan shows a large A1 block to the west of the site with service yard behind adjacent to the railway line, a smaller A1 block to the north of the site with a service road behind running adjacent to the north boundary, and three smaller A1 buildings to the southeast of the site. It also shows a detailed car parking layout with vehicle and pedestrian circulation routes. The car parking layout is the same as that shown on the Proposed Site Layout drawing (15049_PL02 B) submitted for illustrative purposes. This plan states that 408 car parking spaces will be provided, including 26 disabled spaces and 12 parent and child spaces. It also states that 20 electric vehicle charging points, 16 motorcycle and 72 cycle spaces will be provided.

The illustrative Proposed Site Layout drawing shows the large A1 block to the west split into four large retail units. The following potential tenants are named on the drawing, although if consent is granted occupation will not be limited to these occupiers: Next, Marks & Spencer, Boots and Lidl Food Store. The Schedule of Accommodation states that these will be non-food, food store, retail unit and food store respectively. The first three units will include mezzanines. The A1 block to the north is shown split into three large retail units and Mothercare is named as one of the tenants; this unit will include a mezzanine. Out of the three smaller buildings to the southeast, one is indicated as a McDonald's drive-through, one is indicated as a Costa drive-through and the third is shown split into three 'retail pods'.

Whilst the application has been running, the applicants have proposed a condition to restrict the A1 net sales area to a maximum of 9,688 sq m, of which no more than 2,789 sq m and no less than 1,000 sq m shall be used for the sale of convenience goods. The Marks & Spencer and Lidl Food Stores shown on the illustrative Proposed Site Layout drawing are indicated as 929 sq m GIA and 2,137 sq m GIA respectively (net sales areas are not indicated). The proposed condition would therefore provide flexibility and likely allow for either both food stores to come forward or only one.

The Highway Access Plan shows the redesign of the existing access road to the site off Fitzroy Road. It proposes to widen the carriageway to the north in order to incorporate an

island and right turn lane into the Persimmon residential development site to the north. The plan shows a vehicle connection to the north up to the site boundary in order to connect to the road in the Persimmon residential site (ref. 17/0440/RES). Whilst the application has been running, the applicants have proposed the following revised condition concerning this access:

Prior to the first occupation of any of the retail (Class A1) units hereby authorised, or within four months of the provision to the local planning authority of written evidence and confirmation that a bona fide bus service provider is intending to service the route, whichever is the latter, a highway connection to the adjoining land to the north shall be provided in accordance with the details shown on the approved drawing (ref: PHL 01 B). The connection shall be at all times restricted to buses using an Automatic Number Plate Recognition system linked to automated barrier controls, or alternative means of control, to be submitted to and approved in writing by, the local planning authority. The restrictions shall subsequently be maintained at all times in good and effective working order to ensure that the use of the route is restricted to buses in perpetuity.

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

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Planning Statement (Rocke Associates, January 2018)
- Design & Access Statement (Fletcher Rae, December 2017)
- Retail Assessment (Mango, January 2018)
- Transport Assessment (Vectos, December 2017)
- Air Quality Assessment (Ramboll, 26 January 2018)
- Flood Risk Assessment (HBS, January 2018)
- Preliminary Ecological Appraisal (Sunflower International, July 2017)
- Cotswold Archaeology letter 10.April 2014 (Archaeological Evaluation)
- Geophysical Survey Report (Stratascan, April 2010)
- Sitecheck Data (Landmark Information Group, 24 November 2009)

Additional Information Submitted During Application

- Chase & Partners letter 24 January 2018 (Material Changes in the Exeter Retail Development Market)
- Economic Impact Assessment (Regeneris, 14 March 2018)
- Noise Assessment for Planning Application (Inacoustic, 16 March 2018)
- Mango letter 20 March 2018 (Response to EDDC objection)
- Ramboll letter 21 March 2018 (Addendum Air Quality Assessment)
- Traffic Distribution Technical Note (Vectos, April 2018)
- Ramboll letter 23 July 2018 (Updated Addendum Air Quality Assessment)
- Flood Risk Assessment Revision D (HBS, July 2018)
- Trialpitt Technical Details (Robson Liddle Geotechnical, 29.03.2010)

REPRESENTATIONS

There have been 39 representations, including 23 objections and 14 in support. Objections have been received from the Hill Barton Consortium, Legal and General UK Property Fund (owners of Exe Bridges Retail Park), East Devon New Community partners (developers of

Cranbrook New Community) and Stagecoach. The majority of the letters of support have been received from businesses in the area, including one from Exeter Science Park Ltd. The issues raised in the objections were:

- The development does not accord with the definition of a local centre, contrary to Policies CP8 and CP19.
- Lack of planning use mix – letters of support from local businesses in Planning Statement refer to a desire for a range of amenities to serve the area, including A2 and D use classes.
- A mixed foot/cycle path should be extended from Wilton Way along Honiton Road to improve safe access to the site.
- The development should contribute to sustainable transport infrastructure in the area.
- Noise pollution – proximity of service road to housing.
- Lack of communal facilities.
- Traffic pollution and congestion.
- Impact on city centre.
- Lack of family leisure facilities.
- Contrary to Masterplan and transport and air quality plans.
- 408 car parking spaces/drive-throughs will encourage driving.
- Impact on air quality.
- Lacks identity.
- Disappointed about significant amount of parking, as it does not fit in with the aspirations of the city to become more sustainable.
- Poor transport provision.
- Does not accord with Masterplan promoting employment uses on the site.
- Impact on city centre from store relocations.
- Contradicts Core Strategy Policy CP8 and does not fit in with definition of local centre.
- Need for district centre to serve east of city, but this development will not meet that need.
- Contrary to Masterplan objective promoting sustainable movement.
- Contradicts Air Quality Action Plan.
- Honiton Road already difficult to negotiate other than motor traffic with some of the highest levels of pollution.
- Development of this scale and nature must be served by a suitable local public transport network – it's critical a meaningful contribution is made towards this, including enhanced public transport routes via Oberon Road through the Hill Barton Vale Development.
- The bus gate to the north will have no purpose without the continuation of the service through and on to Oberon Road.
- The development will harm the amenity of residents directly to the north in terms of noise, air quality, lighting, outlook from scale and massing of the proposal, and sunlight.
- The development should provide a noise fence, not the residential developer, as the proposal will cause the noise impact.
- The development will become a new destination for higher order comparison shopping instead of a planned 'local centre' competing directly with Exeter and other District Centres, and will have a significant adverse impact.
- The proposal has more retail floorspace than the previous proposal, which was dismissed by the Secretary of State as an unacceptable departure from the development plan.
- Scale of development means it should only be delivered through a plan led approach.
- Impact on retail hierarchy.

- The Retail Impact Assessment needs to be updated, as it uses Lidl's published sales density who have stated they will not be occupying.
- The applicant has asserted unrealistic trade diversion assumptions in the RIA underestimating the impact on existing centres.
- The RIA assumes impact between 2018 and 2021, but should be assessed over a 5 year period in line with the NPPF/PPG.
- The RIA is not fit for purpose.
- The development would compete with the development envisaged at the Bus and Coach Station site and should be given more time to be delivered.
- The Transport Assessment under-estimates the trip generation of the retail floorspace.
- No assessment of the impact on Cranbrook Town Centre.
- The prospective retailers are represented in the City Centre and would not meet day-to-day needs.
- The scheme is car dependent.
- Site not well served by public transport in context of a major retail scheme.
- Will introduce significant additional traffic movements into highways links and junctions that are already highly congested.
- Conditions should be added to limit sale of fashion.
- Measures to boost effectiveness of public transport in Honiton Road/Heavitree Road corridor required.
- Targeted measures to demonstrably reduce emissions in Honiton Road/Heavitree Road corridor required, e.g. upgrade portions of the bus fleet passing the site.

The issues raised in the letters of support were:

- Retail needed on this side of Exeter.
- Next, Boots, M&S food etc. great for local residents, although bland design.
- Not possible for all journeys to take place by car in historic city like Exeter, so makes sense to build shops motorists can get to.
- Will help to reduce congestion in the city centre.
- Our staff and colleagues from London/USA/Dubai rarely shop in city centre during office hours, due to distance from business park, but the site is within easy reach of the office and will provide for daily shopping needs.
- Positive for local businesses and local economy in general.
- Will offer a retail centre for our (125) staff during lunch times and after work.
- A scheme that will deliver Boots Pharmacy, Fashion, Restaurants and Cafes, a newsagent, Next Home, M&S, etc. will not only support our staff but those employers and employees across Exeter Business Park, Science Park, SkyPark and Sowton industrial estate.
- Very little facilities near to Exeter Business Park, so support development that can provide retail with uses such as Boots Pharmacy, Next Home, Fashion, Cafe, Restaurants, M&S Food, Homeware, Newsagent etc. within walking distance for staff.
- The proposal will make this employment location (Eagle Way) more attractive to our (600) staff where there is very limited provision of daily retail and leisure facilities within our locality.
- Not enough time for staff to travel to city centre at lunchtime or after work, and will benefit staff on shift hours.
- Will have major economic benefits for city and strengthen area for attracting investment.

- Difficult for staff of Exeter Science Park to get into Exeter City Centre during the working week; will support the needs of our ever expanding community and strengthen credentials of our business district.
- At the same time the precise nature of ME's offering needs to be coordinated with the outline planning permission already granted for Exeter Science Park (including 1,050 sq m of Class A1 retail-convenience) as well as nearby housing developments (e.g. Titebarn Green and Mosshayne) to ensure this attractive housing and business community is developed with an strong and sustainable retail offering.
- Acute lack of nearby places to go for (140) staff in lunch breaks from office in Exeter Business Park; ME will be within walking distance and provide many services which are useful in everyday life.
- Few amenities at Sowton Industrial Estate and Exeter Business Park.
- Will have positive impact on staff well-being as they will have access to shopping such as Next Home & Fashion, Boots Pharmacy, M&S Food, cafes and restaurants.
- There is a need for this retail scheme; important for staff to be able to walk to a local centre for their daily shopping needs as well as providing options for lunch or coffee; staff currently have little option but to drive to supermarket or even further afield from Exeter Business Park.
- Scheme that will deliver retailers such as Boots Pharmacy, Next Home, fashion shops, cafes, restaurants, M&S Food, homeware, newsagent etc. is fundamental to supporting the employment in Exeter.
- ME will be of great benefit to local community providing convenience, reduced congestion and jobs.
- Facilities available to our (60) staff in Sowton area are restricted and it is not feasible for them to travel to the city centre during the working day.
- Will create job opportunities and capture spending power locally, which is currently lost as many Sowton based staff will travel further afield at the end of the working day.
- Will improve attractiveness of location to businesses.
- Lack of retail facilities for our (80) staff at Exeter Business Park; ability to attract staff is critically important.
- Will provide health and well-being benefits to staff as there are very few nearby amenities that can be easily accessed by foot, with the result that many staff do not leave the office during the working day.
- Will benefit our 20 staff who drive in from all over the country and business to have better facilities close by; drive to central Exeter too problematic.
- Mixed use scheme on this side of Exeter can only help with the issue of congestion within the city.
- Well-being of our (85) staff is important and we place great importance on the proximity of high quality facilities; ME will make this employment location more attractive to our staff where there is very limited provision of daily retail and restaurants within our locality.
- Recently relocated Paignton based staff to Exeter site many of whom said there were no conveniences available within reasonable reach of Exeter Business Park, and some decided not to relocate for this reason.
- We are based at Sowton with access to very little retail and leisure facilities, which is frustrating for staff and the business; welcome a scheme that delivers a wide range of uses such as Pharmacy, Fashion, Cafe, Restaurants, shops, Homeware, supermarket, newsagent, etc.
- Support a development that acts as a 'hub' of facilities for the business community in East of Exeter; assume will have major economic benefits for the City and strengthen the area for attracting investment and jobs.

In addition, Lidl have written to confirm that they retracted their interest in the site in the latter part of 2017 and they are not in contract on the scheme despite Lidl's name appearing on the submitted plans and documents. They state they are committed to further opportunities within the city which better suit their expansion requirements.

CONSULTATIONS

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

Highways England: No objection – the development is predicted to generate 851 trips during the PM peak, which is an increase of 566 trips above the now expired 2012 permission. However, the refused 2014 application had a predicted trip generation of 954 trips during the same period and Highways England did not object to this. This figure does not take into consideration any reductions for linked, pass-by or diverted trips. The applicants' assumptions that 25% of trips will be linked trips and 55% will be pass-by (already on Honiton Road and therefore not new) are reasonable. The development would increase traffic by 0.15% at J29 of the M5 and 0.35% at J30 during the PM peak periods. This is unlikely to have a severe impact on the operation of the Strategic Road Network. The condition directed for the 2014 application requiring either improvements at Moor Lane Roundabout or the completion of the Tithebarn Link Road prior to occupation of the development is no longer necessary.

Local Highway Authority (DCC):

Trip Generation and Vehicular Access

The total predicted traffic generation is comparable to historic applications on the site. 25% of trips will be internalised and 45% will be pass-by, the remaining 30% will be new trips. The development will substantially increase traffic movements at the Fitzroy Road junction, particularly right turn traffic into and out of the site; the current right turn facility into the site from Honiton Road can accommodate 8 vehicles. It's essential that demand for the right turn movement in any one signal cycle does not exceed the storage to avoid impacting Moor Lane Roundabout. The green time would need to be reallocated to this movement, taken from other movements – namely Honiton Road outbound and the right turn out of the site. Queuing on Honiton Road outbound is already a concern and substantial worsening is not acceptable. Therefore, the applicant proposes the same mitigation as the previous submission, i.e. widening approx. 100m along the Honiton Road frontage, including relocating the existing bus stop into the widened section and providing a Toucan crossing to the west opposite Heron Road. The operation of the signals, particularly provision of the right run in a separate signal stage, will need to be amended. The additional lane will increase outbound throughput at the signals considerably and help with better use of the outbound lanes, as such, the current vehicle throughput can be achieved with a shorter amount of green time. The longer length of two lanes will also give better lane utilisation for outbound traffic, helping to reduce queuing and the ability of traffic exiting Fitzroy Road to proceed on a green light. The applicants have also agreed to move the stop line of Honiton Road (Eastern arm) forward, increasing the number of vehicles that can be accommodated in the existing right turn lane, improving the efficiency of the Fitzroy signalised junction. This will be secured by condition. Detailed design of the mitigation is required at s278 stage. The provision of a shared use footway along the frontage of the site, where achievable, would also be desirable. The Transport Statement uses LIDL trip rates, which are typically lower than standard trip rates, however the small increase does not warrant refusal based on the mitigation above.

Walking and Cycling Access

The three pedestrian and cycle links to the south boundary, and link to the northeast of the site are welcomed, but a suitable cycle connection of appropriate width through the site from the south boundary to the north boundary to the Persimmon site is essential. The applicants are not providing this despite a foot/cycle way being indicated on the approved and adopted Masterplan. Exeter City Council has approved plans with a pedestrian/cycle link to the south boundary as part of the Persimmon reserved matters application (ref. 17/0440/RES). A pedestrian/cycle link connecting the housing at Hill Barton to the proposed retail units must be provided to avoid a highways **objection**. Such a link was proposed in the previous application. People will have to walk at least 250m extra without the link. A link of at least 3m wide must be secured by condition and/or s106 agreement in the interests of sustainable development and paragraphs 37, 38 and 41 of the NPPF. This must continue through the site with appropriate width (at least 3.5m) and geometry (straight desired), and also be secured by condition and/or s106. The link is essential as it will provide a direct connection from the Hill Barton consortium through the site to the industrial estate to the south. It will promote sustainable transport and complement the Masterplan, the NPPF and Core Strategy Policy CP19 whereby green infrastructure should be provided.

Bus Access

The bus/pedestrian/cycle only connection to the north must be secured by s106 and/or condition. The original condition proposed by the applicants concerning this connection was unacceptable, as it left the bus link in the control of the applicant. A different condition is recommended by the Local Highway Authority ensuring the link is secured permanently.

On site Facilities / Travel Planning / Construction

The proposed 408 parking bays will be enough for the proposed use. 20 electric charging spaces are welcomed. The car park will be managed privately. Cycle parking standards should be exceeded where practical reflecting the site's proximity to the Hill Barton community/key employment hubs and cycle routes. Suitable changing facilities/lockers for staff should be provided in accordance with the Sustainable Transport SPD. Tracking diagrams have not been provided to demonstrate that service vehicles can turn in the service yard, although it looks possible from the plans.

The development will be required to have a Travel Plan, including details of walking and cycling routes, as well as public transport. It should also include information about car sharing schemes, car clubs, eco-driving and motorcycle safety.

A condition is recommended to ensure appropriate facilities are provided on site for construction traffic.

No objection, subject to conditions.

Traffic Distribution Technical Note

Whilst the development proposals may not increase flows on Honiton Road in the peaks, because it is essentially at capacity, the demand will be there and have two potential impacts: Firstly by extending the peak periods, e.g. peak shoulder spreading, and secondly, by increasing the queues either side of the constrained road.

Natural England: No comments – refer to standing advice on protected species and ancient woodland and veteran trees. The lack of comment does not imply there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the LPA to determine whether the application is consistent with national and local policies on the natural environment.

The proposed development is in an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

Lead Local Flood Authority (DCC): No in-principle objection, however the applicant should clarify the change in the 'trial pit depth' of SA2 over the three tests. If trial pit logs have been produced, the applicant should submit these.

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

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

Network Rail: No objection in principle. Comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land given re: fencing, drainage, safety, encroachment, site layout, piling, excavations/earthworks, environmental issues, and plant, scaffolding and cranes.

South West Water: No objection.

RSPB: No response.

Devon & Somerset Fire & Rescue Service: Devon & Somerset Fire & Rescue Service will deal with any issues of fire service access and other fire safety measures under the statutory consultation process under the Building Regulations 2010. The plans provided would in principle appear to satisfy our access requirements under the Building Regulations. There may be additional requirements to provide an adequate water supply (e.g. fire hydrants), but again these can be dealt under the Building Regulations. If a fire hydrant is required the developers should be made aware now. The developer is recommended of the importance of the consideration of sprinkler protection of the proposed development at the earliest possible stage.

East Devon District Council: Objects – The applicants have stated that one of the purposes of the development is to provide retail facilities for new business and residential communities, some of which are in East Devon. However, these developments have been designed with their own centres/ancillary facilities, which represent the most sustainable

solution to meeting the needs of people living and working in the area and the proposal could undermine the viability and deliverability of these. The Moor Exchange development should not be seen as being in any way necessary to meet these needs.

The applicants have not carried out a sequential test or impact assessment of the proposal on Cranbrook Town Centre. This is contrary to the NPPF and PPG. Land is available at Cranbrook Town Centre to meet the identified need. There is already development in the consented town centre at Cranbrook which would face competition from this development and emerging developments will also be affected. The impact assessment should take into account existing development and development expected to come forward over the next 5 years.

The response stating that Cranbrook Town Centre is not identified as a town centre on the Local Plan proposals map is semantics – Strategy 12 refers to the provision of a town centre at Cranbrook. It also has outline consent. It will be included on the proposals map for the forthcoming Cranbrook Plan DPD.

Exeter Chamber of Commerce & Industry: The Chamber has reconsidered its position regarding the new application. After careful analysis and consultation with relevant Members, the Chamber again supports the need for retail and other facilities in this area.

Exeter Civic Society: Objects – Disappointed the proposal for a Local Centre in the Masterplan/Core Strategy has been ignored. The large retail units are more aligned to an out of town retail centre. They have the potential to harm the vitality and viability of the City Centre and other Local Centres, contrary to the NPPF. A large home furnishing store and supermarket are not necessary to support those working or living in the area. These outlets will attract people from the wider area who will travel by car. Accept that a small supermarket, a chemist, a mother and child outlet, a coffee shop and 'fast-food' outlet are suitable for a modern Local Centre. A better mix of businesses is more likely to result in higher wages. There is a shortage of long-term employment land in the Exeter area. Specific concerns: the amount of car parking; pavements along Honiton Road should be widened; bus operator should be identified for the proposed bus link; cycle access to the site should be improved; impact of development on outlook of housing to north; and impact of plant noise.

Exeter Cycling Campaign: Objects –

- Non-compliance with the adopted Local Plan, particularly in relation to CP1, CP8, CP9 and CP17;
- Non compliance with the adopted Monkerton and Hill Barton Masterplan;
- Negative impact on air quality in an Air Quality Management Area;
- Negative impact on the safety of vulnerable road users, contrary to paragraphs 32 and 35 of the NPPF.

Believe the proposed development represents a fundamentally unsustainable development typology and should be refused. If permission is granted, it is essential that the access design is revised to prioritise pedestrians and cycle movements. It would also be essential to secure significant financial contributions to help mitigate the road safety and air quality impacts of the proposed development, through provision of new segregated cycle infrastructure and safer junctions along the routes most affected. This includes along the length of Honiton Rd and Heavitree Rd towards Exeter city centre, where there is currently no safe provision, and to employment sites at Sowton Industrial Estate.

The effect of the proposed air quality mitigation has not been assessed. In the absence of evidence to the contrary, Exeter Cycling Campaign assume that even with the mitigation identified, the effect of the proposed development on air quality at East Wonford Hill and Heavitree would still be 'Substantial Adverse'. Until and unless it can be identified that the proposed development will not negatively affect the quality of air that people in Heavitree and surrounding areas will breathe on a daily basis, the proposed development must be refused on air quality grounds.

Met Office: No objection.

Police Architectural Liaison Officer: No response.

Environmental Health (ECC): Objects – Objected originally due to the predicted adverse impact on air quality and no mitigation of air quality impacts being included in the proposal, and also due to insufficient information provided on noise impacts. The Air Quality Impact Assessment (AQIA) predicts a substantial impact on air quality at the back of the pavement on Honiton Road. This is not a residential receptor and as such the predicted increase in air pollution is of lesser impact on human health. At the houses on this section (which are set back some distance from the road), the predicted impact is negligible. However, the AQIA does not consider the impact of the development further west along the Heavitree corridor. In particular it does not include East Wonford Hill, where there are existing levels of nitrogen dioxide pollution that are above the objective level at residential properties. Given the report predicts increases in traffic flows on Honiton Road as a result of the development it seems inevitable that there will also be an impact on traffic on East Wonford Hill. The impact of the proposal on the air quality of East Wonford Hill and the Heavitree corridor as a whole has not been assessed. Subject to further information from the applicant, it is likely that the impact of the development on air quality at homes on East Wonford Hill will be at least 'moderate' and potentially 'significant'. Policy EN3 states 'Development that would harm air or water quality will not be permitted unless mitigation measures are possible and are incorporated as part of the proposal.' No mitigation has been proposed.

Maintained objection regarding air quality following the submission of additional information by the applicants. The additional information identifies that the development will have a substantial adverse impact on air quality on East Wonford Hill. The applicant has subsequently suggested that the net impact of the development on traffic flows will be smaller than predicted in the Transport Impact assessment and the Air Quality Impact Assessment because it will divert some journeys that already take place to other retail sites. It has not been possible to take this into consideration because it has not been quantified. The additional information proposes mitigation consisting of:

- Toucan crossing on Honiton Road to provide an improved connection for pedestrians and cyclists across Honiton Road from Sowton.
- Significant infrastructure for a new Bus Route for East Exeter, to provide for a right turn, Bus Only link into the residential estate to the north. This infrastructure is subject to agreement with Devon County Council.
- An initial proposal of two electric charging points, later updated to 20.
- Cycle racks/storage would be provided on the proposed development.

The impact of these mitigation options has not been quantified. The improved offer of 20 electric charging points is still low, at less than 5% of the total spaces.

The toucan crossing and the bus infrastructure had already been proposed by the applicant before the updated air quality assessment. This raises two issues. Firstly, whether they had already been accounted for in the travel assumptions made in the Transport Impact

Assessment. If this is the case they cannot be proposed as mitigation of the substantial air quality impact that was modelled based upon that traffic data. The second concern with these measures is that the developer would have done them anyway. They are not a response to the air quality impact, and don't reflect the harm that the development is predicted by the developer to cause. Therefore, Environmental Health maintain their objection on the grounds that the impact of the proposal on the air quality of East Wonford Hill is substantial and adverse, and with regard to Policy EN3, the proposed mitigation is unquantified and insufficient.

The applicant is invited to quantify the impact of any proposed mitigation which is additional to that already included in the scheme and the transport impact assessment, and to make additional suggestions of what can be done to mitigate the harm to air quality.

Should agreement be reached over the issues above and consent granted, Environmental Health would also wish the following conditions to be included:

- CEMP
- Litter Management Plan for each food use occupier
- Kitchen Extraction details
- External Lighting Assessment
- Noise attenuation measures

Heritage Officer (ECC): Confirmed that archaeological work was undertaken on this site some years ago in relation to previous applications and no further work is necessary as no significant remains were identified.

Building Control (ECC): Can only comment on Regulation B5 (Access for the Fire Service) of the Building Regulations 2010 at this stage, with which the proposal appears compliant.

PLANNING POLICIES/POLICY GUIDANCE

Government Guidance

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

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives

CP1 – Spatial Strategy

CP8 – Retail

CP9 – Transport

CP11 – Pollution

CP12 – Flood Risk

CP13 – Decentralised Energy Networks

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

CP18 – Infrastructure

CP19 – Strategic Allocations

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

AP1 – Design and Location of Development

AP2 – Sequential Approach
S1 – Retail Proposals/Sequential Approach
S2 – Retail Warehouse Conditions
S5 – Food and Drink
T1 – Hierarchy of Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
LS4 – Nature Conservation
EN3 – Air and Water Quality
EN4 – Flood Risk
EN5 – Noise
DG3 – Commercial Development

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

W4 – Waste Prevention
W21 – Making Provision for Waste Management

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

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

Exeter City Council Supplementary Planning Documents

Sustainable Transport SPD (March 2013)
Planning Obligations SPD (April 2014)

Devon County Council Supplementary Planning Documents

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

OBSERVATIONS

The key issues are:

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

1. The Principle of the Proposed Development / Retail Policy Issues

This application follows a similar application that was refused by the Council in 2014 and was subsequently dismissed at appeal by the Secretary of State in 2016. The Secretary of State's decision is a material consideration. Advice has been obtained from GVA, a planning consultancy specialising in retail planning, on the retail and planning policy aspects of the application. Their advice report is attached to this report. This application is one of five current major applications for retail development on out-of-centre sites in Exeter. These are listed below:

- 17/1962/OUT – Outline application for development of a non-food retail unit (Use Class A1), with associated deliveries yard, car parking and landscaping on part of the existing Tesco car park (all matters reserved except access). (At Tesco overspill car park, Russell Way)
- 18/0368/OUT – Outline application for the demolition of existing structures, site remediation and redevelopment to provide Classes A1 (retail), A3 (Cafes and Restaurants), associated access, internal circulation, service yards, parking, landscaping, public realm works, infrastructure and dedication of land for improvements to Honiton Road (all matters reserved except access). (At WPD Depot, Moor Lane)
- 18/0983/OUT – Outline planning permission for a retail park (Class A1) along with complementary cafe/restaurants (Class A3) including means of access (all other matters reserved). (At B&Q, Avocet Road, Sowton Industrial Estate)
- 18/1007/FUL – Demolition of existing buildings and construction of a mixed use development comprising Class A1 retail units; Class A1/A3/A5 food and drink units with drive through facilities; Class D2 health & fitness use; management office, customer toilet facilities, and associated access, parking, and landscaping. (At Police Headquarters, Devon And Cornwall Constabulary Police Training College, Alderson Drive)

GVA has been commissioned to provide advice on the above applications, which is still pending at the current time. With regards to the cumulative impact of the proposals on the City Centre and other centres GVA has advised that best practice is to determine the applications at the same time in case the Council wishes to make a choice between them. The applicants for the current application have objected to this as, unlike the other applications, this site is located within the Monkerton/Hill Barton Strategic Allocation in the Core Strategy and they consider that the proposal will deliver the objectives of the Monkerton & Hill Barton Masterplan by providing facilities for the local community, including the local business community. Officers consider this is a satisfactory reason to determine this application before the other applications and the merits of the application in this regard are discussed below.

GVA have provided a table comparing the content of the current application and the previous dismissed application (see para. 2.8 of advice report). This shows that the total floorspace of the current application is 26% smaller than the dismissed application (11,961 sq m compared to 16,127 sq m). However, the amount of Class A1 retail floorspace has increased by 8% (11,961 sq m compared to 11,102 sq m). In addition, the proposed Class A1 retail floorspace net sales area has increased by 34% (9,688 sq m compared to 7,217 sq m). The current application comprises Class A1 (shops) and Class A3 (food and drink). The reduction in total floorspace is attributable to the loss of Class A2 (financial and professional services), Class A5 (hot food takeaways), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) floorspace in the application compared to the dismissed application, although the amount of Class A3 floorspace has also roughly halved.

GVA have split their advice into three parts: Development Plan, Sequential Test and Impact. These are discussed below.

Development Plan

The relevant development plan policies are CP1, CP8 and CP19 of the Core Strategy. These policies take precedence over Policy S1 of the Local Plan First Review. Policy CP1 promotes the City Centre as the sustainable heart of the city, including provision of around 3,000 sq m net retail convenience floorspace and up to 37,000 sq m net retail comparison floorspace. Policy CP8 repeats this, including up to 30,000 sq m of comparison floorspace in the Bus and Coach Station area, and requires a sequential approach to retail development on out-of-centre sites; it also states that local retail facilities will be required as part of the community provision at Monkerton/Hill Barton. Policy CP19 describes the quantum of development and infrastructure proposed in the Monkerton/Hill Barton area, including provision of a 'local centre to provide shops, doctors surgery and community facilities'. The glossary in the Core Strategy defines local centres as 'A range of small shops of a local nature serving a small catchment area.'

The Secretary of State dismissed the previous application, in part, due to its conflict with Policy CP19 and, albeit less specifically, Policy CP8, as 'the proposals would go well beyond any reasonable interpretation of a local centre'. At this time, the Secretary of State considered that Policy CP19 was not inconsistent with the NPPF and that neither it nor the Core Strategy as a whole were out of date. The Secretary of State also considered the application to be contrary to the development plan as a whole, i.e. no development plan policy support outweighed the conflict with the above policies. GVA note that the scale of the development in the dismissed application was a key reason why the Inspector concluded the proposal could not be a local centre in accordance with Policy CP19 and arguably the loss of the A2, A5 and D1/D2 uses make the current proposal less like a local centre as the mix of uses has reduced. Therefore, they consider that the current application is also contrary to Policy CP19. Officers concur with this advice, i.e. the proposal does not accord with Policies CP19 and CP8, as it would not be a local centre due to its overall size and mix.

Planning legislation requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations are discussed below.

Sequential Test

The previous application was also dismissed because the Secretary of State considered that it failed the sequential test and would therefore be contrary to the NPPF, as the Bus and Coach Station (BCS) site was sequentially preferable, suitable and available. GVA advise that this site is still the only sequentially preferable site requiring an assessment of its suitability and availability for the current scheme. Having analysed the changes in circumstances since the Secretary of State's decision, GVA consider that the BCS site is still available, but there is now much less certainty over it being a suitable alternative for the proposal. This is due to challenging market conditions, which resulted in the developers of the BCS site (The Crown Estate and TIAA Henderson Real Estate) abandoning its plans to redevelop the site in 2017. GVA note that the Council has not stated its intentions regarding the BCS site and a marketing exercise is due to take place that may confirm that the site is still suitable for some form of retail redevelopment. However, this is not certain at the current time and the applicants consider it to be unviable. GVA have also pointed out that the Council has already confirmed that the BCS site is not suitable to accommodate a larger foodstore/supermarket. Therefore, if the larger foodstore/supermarket shown on the illustrative Proposed Site Layout drawing (indicated as Lidl) was a guaranteed part of the scheme, then the sequential test will be passed. However, at this stage the condition

proposed by the applicants would only guarantee the smaller foodstore (indicated as Marks & Spencer).

Officers agree that the BCS site is sequentially preferable and available (noting the change in wording of the new NPPF to include suitable sites 'expected to become available within a reasonable period'). However, the BCS site is not a suitable alternative for the proposal if it includes a larger foodstore/supermarket, which is discussed further below. This notwithstanding, with the collapse of The Crown Estate and TIAA Henderson Real Estate's redevelopment proposal in 2017, it is difficult to envisage an alternative retail-led scheme being viable within a 'reasonable period'. Therefore, officers consider the sequential test has been passed.

East Devon District Council and East Devon New Community partners have objected to the application, in part, because the applicants have not taken into account Cranbrook Town Centre in their sequential test assessment. The applicants have replied stating that the NPPF defines a town centre as an 'Area defined on the local authority's proposals map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area.', and this is not true of Cranbrook at the current time. The new NPPF maintains this definition (albeit replacing 'proposals' with 'policies'), therefore officers do not consider that the Council can lawfully require the applicants to carry out a sequential assessment of Cranbrook. In addition, the Council did not require this for the previous application dismissed at appeal and it was not questioned by the Inspector or Secretary of State.

Impact Test

The Secretary of State agreed with the Inspector that the previous application would not have a significant adverse impact on the vitality and viability of the City Centre, or Cranbrook and Exe Bridges Retail Park (which is within St Thomas District Centre). He disagreed with the Inspector over the likelihood of it having a significant adverse impact on the planned investment at the BCS site and did not include this as a reason for refusal. GVA have undertaken an impact assessment of the current proposal with two scenarios: 1) with larger foodstore/supermarket (reflecting the applicants' retail impact assessment), and 2) without larger foodstore/supermarket (reflecting the applicants' proposed net sales area/convenience goods condition). This indicates that the proposal will have an impact on the City Centre of between 2% and 3% for both convenience and comparison goods, rising to around 3% and 4% when taking into account cumulative impacts. It also indicates that the proposal will have an impact on St Thomas District Centre of around 9%-10% for comparison goods and between 3% and 5% for convenience goods. These impacts are similar to the previous application, therefore it is not considered that the proposal will have a significant adverse impact on the vitality and viability of the City Centre and St Thomas District Centre. However, GVA note the prospect of potential store relocations from these centres to the site. In terms of the impact of the proposal on planned investment at the BCS site, as discussed above the circumstances have changed since the previous application and there is currently no retail investment project for the site. In terms of other centres, GVA do not consider there is likely to be a significant adverse impact upon them.

The applicants do not have to take into account the potential cumulative impacts of the other major retail applications proposed on out-of-centre sites in the city until they become commitments, i.e. are granted planning permission. These applications will need to take into account the cumulative impacts of this application if it is approved. As discussed above, the location of the site within the Monkerton/Hill Barton Strategic Allocation and the applicants' assertions that the proposal will meet the aspirations of Policy CP19 by providing facilities for the local community are considered to justify determining this application separately.

Other Material Considerations

As the retail redevelopment project at the BCS site was abandoned last year due to market conditions, the applicants have questioned whether the development plan remains up-to-date. This clearly now has to be established in light of the new NPPF published just before this committee on 24 July. The relevant section of the NPPF is '7. Ensuring the vitality of town centres'. This is consistent with the relevant section of the old NPPF, albeit it has been slightly simplified. Of particular relevance to this case, it states that planning policies should 'define a network and hierarchy of town centres and promote their long-term viability and vitality...'. This is consistent with the old NPPF and was the reason why the Inspector and Secretary of State for the previous application/appeal did not consider Policy CP19 requiring a local centre to be out-of-date. However, unlike the old NPPF, the new NPPF continues by stating '– by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;'. This text is open to interpretation, but could lend a limited degree of weight to taking a slightly more flexible approach to implementing Policy CP19 with regards to delivering a local centre/meeting community needs at Monkerton/Hill Barton than previously. The applicants have also questioned whether the Council can meet the retail floorspace targets in Policies CP1 and CP8 of the Core Strategy, following the abandonment of the BCS site scheme last year. GVA have advised that this argument was raised for the previous application/appeal and was dismissed by the Inspector. The applicants have not taken into account the considerable amount of new retail floorspace that has been delivered, including John Lewis and Ikea, to meet the identified needs. Therefore, officers do not consider that the development plan is out-of-date and maximum weighting can be applied to Policies CP19 and CP8 accordingly. Officers do however acknowledge that the Core Strategy was written prior to the new and old versions of the NPPF and there have been significant changes to the retail economy in recent years that are material considerations.

The Inspector and Secretary of State went on to review the sustainability of the previous application/appeal to see if there were material considerations to indicate that the proposal should be determined other than in accordance with the development plan. This was considered in terms of the economic, social and environmental dimensions of the scheme. The Secretary of State concluded that the proposal would result in significant economic benefits, but could pose a risk to the BCS site scheme; therefore, overall he considered there was moderate weight in favour of the proposals on economic grounds. The Secretary of State considered there was moderate weight in favour of the proposals in terms of social benefits and limited weight against the proposals environmentally, as it included a large car park and drive through restaurants which would be likely to encourage car driving rather than deter it. Overall, the Secretary of State did not consider that the benefits of the scheme outweighed the conflict with the development plan and environmental harm.

GVA have provided comments on the above dimensions of sustainable development for the current scheme, although it is up to the Council to decide how much weight to give them. Officers consider that unlike the previous application/appeal, significant weight can now be given to the economic benefits of the scheme, as opposed to moderate weight, as it will no longer pose a risk to a potentially competitive scheme on the BCS site following the abandonment of the redevelopment project last year. This takes into account the financial impacts to the City Centre and St Thomas District Centre discussed above, although these can be mitigated through the imposition of conditions (see below). The economic benefits of the scheme are presented in the submitted Economic Impact Assessment and include the following:

- £15 million construction investment
- 260 average construction jobs over 1-year build period

- 520 FTE permanent jobs
- £12 million estimated total annual wage bill across the development
- £9 million estimated total annual expenditure in the UK economy by employees of the development
- 160 FTE jobs supported in the wider economy by the development
- £1.1 million annual business rate contribution arising from the development
- Up to £2.2 million in CIL

The applicants have also pointed out that there are areas of deprivation around the site that will benefit from the scheme through job creation. Members should also note the 14 letters of support from local businesses, employing high numbers of people, citing the benefits of the proposal in attracting new employees and generating additional investment by providing retail facilities within easy reach of their businesses.

In terms of social benefits, officers consider that there is now limited weight in favour of the proposal compared to moderate weight in favour of the previous proposal, due to the loss of the A2, A5, D1 and D2 floorspace in the scheme reducing the mix of uses to A1 and A3 only. In addition, the net sales area/convenience goods condition proposed by the applicants would only secure the smaller foodstore shown on the illustrative plans and not the larger foodstore/supermarket. GVA consider that a condition that guarantees both foodstores would improve the social benefits of the scheme. Officers concur, although the benefits also depend on how the remaining comparison retail floorspace is controlled. On 30 July the applicants proposed four additional retail conditions to the one above. The first of these simply secures the floorspace applied for. One relates to the largest unit shown on the illustrative plans (indicated as Next) and would limit the sale of clothing and footwear to 60% of the net sales area of this unit. Another would secure a chemist (with or without a pharmacy) for five years after it opens of a minimum size of 465 sq m (GIA), which is half the size of the Boots store shown on the illustrative plans. The remaining conditions control the size of the units and prevent amalgamation/sub-division. Taking into account the net sales area/convenience goods condition already proposed, this means that there would be no controls over the goods that could be sold from up to around 6,700-6,900 sq m of the A1 net sales area (about 70%). This means that a significant proportion of the A1 retail floorspace in the scheme could in theory be used to sell only fashion goods, contrary to the aspirations of Policy CP19, unless further controls through conditions are applied. This is discussed further under 'Conditions' and 'Conclusion' below.

In terms of environmental considerations, GVA do not consider that this has changed from the previous application/appeal, i.e. there is limited weight against the scheme taking into account the site accessibility by public transport, large car park and drive through restaurants. In reaching this view previously the Secretary of State took into account the suggested conditions of the Inspector, many of which were agreed between the appellants and the Council. Some of the conditions related to environmental matters, for example: landscaping scheme, sustainable urban drainage system, connection to district heating network, BREEAM 'Excellent' (shell only), noise management plan, Wildlife Plan, Toucan crossing, pedestrian/cycle connections, and Framework Travel Plan. If these or similar conditions are not imposed on the current application (should it be approved), then the environmental harm of the proposal will be significantly worse. In addition, Environmental Health have objected to the current application due to the adverse impact on air quality and insufficient mitigation of air quality. If air quality mitigation is not secured then the environmental harm of the proposal will also increase. In this circumstance, officers consider there would be moderate weight against the proposal environmentally, as opposed to limited weight.

Conditions

As has already been discussed above, the Inspector for the previous dismissed application/appeal suggested conditions that in his view should be imposed if the scheme was permitted. These included the environmental conditions above, a number of standard conditions and the appellants' eight conditions to control the retail floorspace (which were not agreed by the Council). However, the Inspector did not consider that these conditions were sufficient to allow the scheme, taking into account the conflict with the development plan and overall harm. The Secretary of State agreed that the suggested conditions would not overcome the reasons for refusal. Whilst the balance of material considerations has shifted for the current application, officers do not consider the application is acceptable unless suitable conditions are applied, including conditions to control the retail floorspace. As discussed above, the applicants have proposed five conditions to control the retail floorspace, which are copied below:

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

Development Parameter	Quantum
<i>Maximum Floorspace (sq m GEA)</i>	<i>13,200</i>
<i>Maximum Floorspace (sq m GIA)</i>	<i>12,634</i>
<i>Maximum Building Height (m AOD)</i>	<i>53</i>

Use Class	Maximum (sq m GIA)
<i>A1 (Shops)</i>	<i>11,961</i>
<i>A3 (Restaurants and cafes, including Drive-Thru's)</i>	<i>673</i>

Reason: *To define the terms of the permission and to ensure that the development comprises an appropriate mix of uses to serve its intended purposes.*

2. *The total net sales area of the retail (Class A1) floorspace hereby permitted shall not exceed 9,688 square metres, of which no more than 2,789 square metres and no less than 1,000 square metres shall be used for the sale of convenience goods.*

Reason: *To ensure that the trading impacts of the proposal are acceptable.*

3. *The retail (Class A1) floorspace hereby authorised shall be limited as follows:*

- *An anchor unit of up to 3,902 (gross internal area) with a maximum net sales area of 3,029 sq m for the purposes of non-food retailing; no more than 60% of the net sales area of this unit shall be used for the display and sale of clothing and footwear;*
- *Additional units each of not less than 465 sq m (gross) (excluding Units K, L and M as shown as shown on the approved Parameter Plan (Drawing Ref: 15049_PL06_B)).*

Reason: *To ensure that the complexion of the development is in accordance with the purposes prescribed in the application and reflects the complexion of the proposals upon which the assessment of impact was based.*

4. *For a minimum period of 5 years following the date of its first opening, the development hereby authorised shall include provision of no less than 465 square metres (gross internal area) predominantly for the sale of chemist and related goods (with or without a pharmacy).*

Reason: *To ensure that the complexion of the development is in accordance with the purposes prescribed in the application.*

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

Reason: *Any changes will require further consideration by the LPA to ensure that the impacts are acceptable.*

Condition 2 would limit the total net sales area to 9,688 sq m, which is 34% higher than the previous scheme (7,217 sq m), and allow convenience goods to be sold from between 1,000 sq m (10%) and 2,789 sq m (29%) of the total net sales area. Suggested condition 21 relating to the previous application/appeal required a single unit of not less than 1,000 sq m (gross) for predominantly convenience retailing, which was a minimum of 9% of the total A1 retail floorspace (gross). The proposed condition will not guarantee both foodstores shown on the submitted illustrative plans, or the larger foodstore, and is broadly similar to suggested condition 21 in terms of the proportion of convenience floorspace to A1 retail floorspace. Condition 4 is considered to be positive in meeting the aspirations of Policy CP19, albeit it would only last five years. The first part of condition 3 is expected to allow Next Home to occupy the unit. The conditions would leave a significant proportion of the A1 retail floorspace uncontrolled meaning that this floorspace could be used to sell fashion goods, such as clothes and shoes. Officers consider this would be contrary to the aspirations of Policy CP19 in meeting local community needs and would not respect the retail hierarchy of the city. The letters of support from local businesses, and those appended to the submitted Planning Statement, also refer to a mix of shops/facilities in terms of goods sold.

Recommended conditions are listed at the end of this report, including conditions to control the retail floorspace. These have not been agreed with the applicants at this stage, although have been drafted to provide a balance between meeting the aspirations of Policy CP19 and taking into account the applicants' concerns over deliverability in challenging market conditions for retail. With these conditions added, officers consider that moderate weight can be given to the scheme in terms of social benefits (the same as the dismissed application/appeal), taking into account the reduced mix of uses.

Conclusion

The application is contrary to Policies CP19 and CP8, as the proposal is not a 'local centre'. These policies are considered to be up-to-date with regards to the new NPPF, although officers acknowledge they were written before the new and old versions of the NPPF and there have been significant changes to the retail economy in recent years. Unlike the previous dismissed application/appeal, the sequential test is considered to have been passed, as the BCS site is not considered to be a viable site for a major retail development, following the abandonment of the retail-led redevelopment proposals on the site last year, and there is no evidence to suggest that this will change in the near future. Whilst the proposal will have financial impacts on the City Centre and, to a larger extent, Exe Bridges Retail Park within St Thomas District Centre, these impacts are similar to the impacts of the previous application/appeal and are not considered to be significantly adverse. There will be no significantly adverse impacts on any other centres or on planned investments in centres.

However, there could be store relocations to the site from the centres without adequate controls.

The Secretary of State refused the previous application/appeal in accordance with the development plan, as the economic and social benefits of the scheme did not outweigh the policy conflict or environmental harm taking into account the suggested conditions of the Inspector. The economic benefits were considered to be moderate (taking into account the risks to development on the BCS site), as were the social benefits of providing accessible local services, whilst the environmental harm of a large new car park and drive through restaurants encouraging car driving carried limited weight against the scheme. Officers consider there is now significant weight in favour of the application economically and moderate weight in favour socially, subject to the imposition of the recommended conditions below. Again, subject to the imposition of the recommended conditions and securing air quality mitigation in a s106 legal agreement (discussed below), officers consider there is limited weight against the proposal environmentally, although Members may consider this to be neutral/limited weight in favour depending on the weight given to the air quality mitigation.

In terms of the overall planning balance, officers consider that the material considerations of the significant economic benefits of the scheme, moderate social benefits and potential neutral/limited environmental benefits (with air quality mitigation) outweigh the conflict with Policies CP19 and CP8. Therefore officers consider that planning permission should be granted, subject to a s106 legal agreement and conditions. This also takes into account that a local centre has not been delivered for the Monkerton/Hill Barton area for the plan period so far, and given the Council's lack of a five year housing land supply, the site could be developed for housing and the opportunity to provide local retail facilities for the new community and business community in the area would be lost.

2. Access and Impact on Local Highways

Vehicular access to the site will be via the existing vehicular access off Fitzroy Road. The access road will be widened to the north in order to incorporate a right turn lane to a new vehicle connection to be provided on the north boundary with the purpose of connecting to the highway permitted on the neighbouring Persimmon residential site (ref. 17/0440/RES). This vehicle connection is intended to be bus/pedestrian/cycle only and was discussed with the applicants at pre-application stage. It must be provided in accordance with Policy CP19 requiring a green infrastructure framework for the Monkerton/Hill Barton area and the Monkerton & Hill Barton Masterplan, showing movement connections between the sites for permeability. The applicants initially proposed a condition to manage this connection, which was rejected by the Local Highway Authority as it would have allowed the connection to be closed should the bus only restrictions fail. The Local Highway Authority has stated that the bus link is required in perpetuity and should be secured by s106 agreement or condition. The Local Highway Authority drafted a condition, but this was rejected by the applicants who proposed the revised condition under 'Description of Site/Proposal' above. Again the Local Highway Authority have raised concerns with this. In addition, Stagecoach have commented that the benefits of the bus link have been overstated, although it could be implemented in accordance with the Masterplan at very low cost. They have advised that it should be designated as a short section of bus lane in both directions with appropriate signage and CCTV, but physical barriers/bollards will not be acceptable. Officers consider this connection to be fundamental to any development on the site and that it should be secured in perpetuity in a s106 legal agreement. It should be designed in accordance with Stagecoach's requirements to ensure that it is utilised as a bus link, including the right turn lane. Stagecoach propose that the link would be physically blocked with a concrete barrier until such a time as a bus service requiring its implementation is inaugurated.

The Parameters Plan shows three pedestrian accesses to the site from Honiton Road, two stepped and one ramped. The ramped access aligns with a Toucan crossing proposed across Honiton Road, which aligns with the existing public right of way footpath that runs through Sowton Industrial Estate to the south. These connections will enhance pedestrian permeability from the south. A condition should be added securing the detailed design of the ramp to ensure that its gradient is appropriate for wheelchair users and other people with mobility problems, and that there are suitable resting points along the ramp accordingly.

In terms of traffic generation, the proposal is predicted to generate 851 two-way PM peak hour weekday trips and 1137 two-way Saturday peak hour trips, although this does not take into account internalised, pass-by and diverted trips. The Local Highway Authority advise this is similar to the previous application/appeal (although it is greater in the Saturday Peak). They state that the proposal will substantially increase traffic movements at the Honiton Road/Fitzroy Road junction, therefore mitigation highway works are proposed, which take into account Moor Lane Roundabout identified as a critical highway constraint. The mitigation works will be secured by conditions and detailed via a s278 highways agreement with Devon County Council as Local Highway Authority. The mitigation works include: widening approximately 100m along Honiton Road frontage, relocating the eastbound bus stop, Toucan crossing, amending traffic signals and moving the stop line of Honiton Road (eastern arm) forwards. The Local Highway Authority has confirmed that the mitigation works are broadly acceptable and sufficient to overcome their concerns, although provision of a shared use footway along the frontage of the site, where achievable, would be desirable. A Conditions should be added securing the mitigation works and a Travel Plan.

3. Parking

The Parameters Plan shows a large car park on the site between the blocks. The Proposed Site Layout drawing submitted for illustrative purposes states that this will comprise 408 car parking spaces, including 26 disabled spaces and 12 parent and child spaces. It also states that 20 electric vehicle charging points, 16 motorcycle and 72 cycle spaces will be provided.

The indicative car parking standards set out in Table 3 of the Sustainable Transport SPD state that 1 space per 14 sq m (GIA) is required for food retail and 1 space per 20 sq m for non-food retail. This means that approximately 698 car parking spaces should be provided if the maximum floorspace applied for and both foodstores shown on the Proposed Site Layout are delivered, and approximately 652 car parking spaces should be provided if the maximum floorspace applied for and only the smaller foodstore is delivered. However, the applicants have carried out parking accumulation calculations based on the trip rates data in the Transport Assessment showing that a maximum of 167 spaces will be required during weekdays and 218 spaces on Saturdays. The Local Highway Authority has not objected to the level of car parking provision. However, Stagecoach have raised concerns regarding the implications for the Honiton Road Park and Ride site. A condition should therefore be added requiring a car parking management strategy to ensure that appropriate restrictions are in place to prevent permanent parking in the car park leading to overspill parking in the Park and Ride car park.

The minimum car parking standards for disabled users in Table 4 of the Sustainable Transport SPD require 4 + 4% of the total capacity of the car park for shopping developments. 4% of 408 is 16, therefore a minimum of 20 disabled spaces should be provided. The illustrative Site Layout Plan shows 26 disabled spaces, which would be acceptable. The SPD states that retail facilities should be future-proofed to provide charging points for electric vehicles. The illustrative Site Layout Plan indicates that 20 charging points will be provided, which is 5% of the total. Officers have encouraged the applicants to increase this. A condition should be added securing the disabled spaces and electric charging points accordingly.

The minimum cycle parking standards set out in Table 2 of the Sustainable Transport SPD require 1 staff cycle space per 350 sq m net retail floorspace. This means that a minimum of 28 staff cycle parking spaces should be provided for the retail units if the maximum A1 retail floorspace is delivered (based on the applicants proposed net sales area/convenience goods condition). Staff cycle parking will also be required for the A3 retail units. Staff cycle parking should be provided in secure locations and showers, lockers and space to dry clothes must also be provided (ST SPD Para 5.3.1). Staff cycle parking provision should be conditioned.

Customer cycle parking is also required. The relevant standards are 1 space per 350 sq m net retail floorspace (minimum 10 spaces) for food retail and 1 per 500 sq m of net retail floorspace (minimum 4 spaces) for non-food retail. Therefore, a minimum of 10 customer cycle parking spaces will be required for the proposed foodstore(s) and a minimum of 14/17 cycle parking spaces for the other A1 retail units depending on whether one or both foodstores are delivered. Customer cycle parking will also be required for the A3 retail units. Customer cycle parking should be provided in small groups of bike stands close to individual shop entrances, as opposed to large groups of stands, to be more convenient, easier to accommodate and less visually intrusive (ST SPD Para 5.4.1). Customer cycle parking provision should be conditioned.

4. Impact on Air Quality

Environmental Health objected due to the predicted adverse impact on air quality and no mitigation of air quality impacts being included in the proposal. Policy CP11 states that 'Development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts.' Policy EN3 states 'Development that would harm air or water quality will not be permitted unless mitigation measures are possible and incorporated as part of the proposal.' Policy DD34 of the emerging Development Delivery DPD states 'All development proposals should minimise and where possible reduce emissions and other forms of pollution, including light and air pollution, and ensure no unacceptable deterioration in air and water quality and quantity... Proposals will only be permitted where, individually or cumulatively, taking into account of proposed mitigation, remediation and future monitoring, there are no unacceptable impacts on:... air quality'. These policies are considered to be up-to-date with regards to the new NPPF. The new NPPF states that 'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:... d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains' (Para 102). Paragraph 170 states 'Planning policies and decisions should contribute to and enhance the natural and local environment by:... e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality...'. Paragraph 181 states 'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.'

The applicants' original Air Quality Assessment (AQA) predicted a substantial impact on air quality at the back of the pavement on Honiton Road within the Air Quality Management Area (AQMA), although Environmental Health state that at this location houses are set back some distance from the road, so the impact on residents will be negligible. Officers note however that there will still be an impact on users of the road, i.e. motorists, cyclists and

pedestrians walking along the pavements. Environmental Health requested the assessment to be expanded to take into account the AQMA further west along the Heavitree corridor, in particular East Wonford Hill where pollution levels are already breaching relevant legislative limits at residential properties. The applicants submitted an Addendum AQA in March that concluded that the predicted traffic generation of the proposal could result in substantial adverse impact on the AQMA at East Wonford Hill. The applicants stated that to offset the impact a number of measures have been introduced, namely 20 electric charging points and 72 covered cycle stands in addition to the bus link already proposed. Environmental Health maintained their objection, as these measures are already requirements and the benefits in regard to air quality have not been quantified. Officers concur (see sections '2' and '3' above) and agree that additional air quality mitigation is necessary.

The applicants subsequently submitted a Traffic Distribution Technical Note and Updated Addendum AQA for East Wonford Hill claiming that the development will not increase traffic pollution at East Wonford Hill because the development will not increase traffic on the wider road network. Therefore, no air quality mitigation is required. The Local Highway Authority has commented on the Technical Note and questioned the validity of a number of points within it. In particular, the statement, 'Retail development of this kind does not create its own traffic, but rather serves the people working and living in the area' does not ring true of a retail park of this nature, especially (as pointed out by the Local Highway Authority) if it includes a Next Home store. The Local Highway Authority states that whilst the proposal may not increase flows on Honiton Road in the peak hours because it is already at capacity, the demand will be there and have the potential of extending the peak periods and increase queues either side of the road; this will slow traffic flow through the AQMA and increase pollution. Officers have therefore not placed any weight on these documents and consider that air quality mitigation is required in accordance with the original AQA predicting a substantial impact on air quality at the back of the pavement on Honiton Road in the AQMA and the Addendum AQA concluding that the proposal could result in substantial adverse impact on the AQMA at East Wonford Hill.

Officers have concluded that the most practical form of mitigation is to improve bus services through the AQMA that go past the site. Planning Practice Guidance states that promoting infrastructure to promote modes of transport with low impact on air quality, and contributing funding to measures designed to offset the impact on air quality of new development, are appropriate forms of mitigation. Stagecoach were approached and have stated that there is an opportunity to upgrade the buses on services 4/4A and 56 to Euro VI standard, which reduce pollution significantly compared to the older buses currently being operated. These services run past the site and use East Wonford Hill and Heavitree Road. The cost to effectively upgrade a bus to Euro VI standard is £42,000. Service 4/4A involves seven buses in the operating cycle and six are planned on service 56. Therefore, the overall cost to upgrade all the buses for these services is £546,000.

Officers are currently awaiting further comments from Environmental Health on what a reasonable contribution towards the above will be for the development. This will be reported on the Update Sheet.

5. Impact on Amenity of Surroundings / Noise

Persimmon on behalf of the Hill Barton Consortium have objected to the application, due to the impact of the proposal on the amenity of the adjoining dwellings being constructed, in terms of noise, air quality, external lighting, outlook and daylight from scale and massing. Whilst layout and scale are reserved matters, the applicants have sought approval for the submitted Parameters Plan showing the location of the buildings on the site and their maximum heights. The minimum separation distance between the dwellings and the building to the west on the Parameters Plan is 20m, whilst the minimum distance between the

dwellings and building to the northeast of the site on the Parameters Plan is 22m. Paragraph 7.24 of the Residential Design SPD requires a minimum distance equal to twice the height of the blank/largely blank wall between buildings, where habitable room windows face onto a blank or largely blank wall of another building. Therefore, the maximum height of the building to the west must be 10m and the maximum height of the building to the northeast must be 11m if the layout remains the same, unless the building heights are staggered. This should be conditioned. In addition, a condition should be added to secure shading diagrams as part of the reserved matters to ensure that there will be no adverse impact on the neighbouring residential properties from significant overshadowing.

The applicants submitted a noise assessment of the application at the request of Environmental Health. This took into account provision of a 3m high acoustic barrier along the north boundary understood by the applicants to be provided by the residential developer. The assessment was undertaken for both daytime and night-time periods. It concluded that no mitigation will be required for the plant, as it will be 'low impact'. Delivery vehicles will result in no greater than negligible impact by day and minor impact by night, and customer vehicles will result in no impact. Persimmon has stated that the acoustic barrier must be provided by the developers of this application, as the noise impact will be caused by the retail development. Environmental Health have raised no objections regarding noise, subject to the imposition of conditions to: prohibit deliveries between the hours of 11pm and 6am, provision of an acoustic fence along the north boundary prior to occupation (details to be agreed with the LPA) and noise not exceeding 5dB above background noise levels to be demonstrated following first occupation. The fence will need to allow for the movement connection to the north. Conditions should be added accordingly.

Given the visual impact of the acoustic fence, officers consider that landscaping should be provided adjacent to it within the site to soften its appearance and this should be a specific requirement of a landscaping scheme for the site to be conditioned. This will also mitigate the visual impact of the development from the housing if it is taller than the fence. Details of the location and design of the waste storage facilities for the retail units on the site should also be provided as part of the reserved matters and conditioned in the interests of the amenity of the area, in particular the neighbouring residential properties. A condition for an external lighting scheme as part of the reserved matters should also be added, including isoline drawings of lighting levels and mitigation if necessary, to protect the amenity of the neighbouring residential properties and to protect wildlife (as well as safeguard Exeter Airport). Environmental Health have also recommended conditions for a Construction Method Statement, litter management plans (for the food uses) and kitchen extraction details (for the food uses), in the interests of the amenity of the area. A Waste Audit Statement should also be conditioned in accordance with Devon County Council's SPD, noted above.

6. Impact on Trees and Biodiversity

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

The Preliminary Ecological Appraisal submitted with the application concludes that the site has limited habitat value. The only features with some habitat value are the hedges, particularly the northern hedge, although, as stated, this hedge is not within the site. The report recommends mitigation measures to protect and enhance biodiversity. The new NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by:... d) minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures' (Para 170), and when determining applications local planning authorities should encourage 'opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.' (Para 175). The recommended measures in the report include: minimising light-spill from security or road lighting; planting a new native species hedge between the site and the grounds of the adjoining hotel; installing ten open-fronted and hole bird nest boxes on buildings to the north of the site; and provision of green open spaces and landscaped areas within the development. A limited amount of monitoring is also recommended to ensure the mitigation and enhancement measures are carried out in accordance with the landscape plan or a Landscape and Ecological Management Plan (LEMP). These measures should be taken into account at reserved matters stage and a Wildlife Plan condition added.

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

7. Flood Risk and Surface Water Management

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

Policy CP12 requires all development proposals to mitigate against flood risk utilising SUDS where feasible and practical. The applicants proposed surface water drainage strategy consists of soakaways beneath the car park and service yard to the west. The Lead Local Flood Authority is Devon County Council. They have no in-principle objection, although requested additional technical information. This information was submitted on 30 July and at the time of writing comments are awaited from DCC to confirm that the proposed surface water drainage strategy is acceptable. Subject to this response, conditions should be added securing detailed surface water drainage schemes for the construction and operational phases of the development.

8. Sustainable Construction and Energy Conservation

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

Policy CP15 requires all non-domestic development to achieve BREEAM 'Excellent' standards from 2013 and are expected to be zero carbon from 2019. A condition should be added securing a BREEAM design stage assessment report and post-completion report to ensure Policy CP15 is complied with. To be consistent with the previous application/appeal, this shall relate to shell only.

CIL/S106

The proposed development is CIL liable, as it is for out of city centre retail development. The rate for permission granted in 2018 is £174.67 per sq m. This is charged on new floorspace. The application has been submitted in outline with all matters reserved except access, therefore the total liability will depend on the scale of development approved at reserved matters stage. However, based on the maximum floorspace applied for, the total liability will be up to £2,206,780.78. As the CIL liability will be more than £50,000, it can be paid in the following instalments provided an assumption of liability notice form and commencement form are submitted prior to commencement:

1. £50,000 within 60 days after the date on which development commences
2. £150,000 within 1 year after the date on which development commences
3. £200,000 within 18 months after the date on which development commences
4. Outstanding liability (up to £1,806,780.78 within 2 years after the date on which development commences)

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

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

- Financial contribution towards upgrading buses to Euro VI standard on services 4/4A and/or 56 as air quality mitigation (sum to be confirmed).
- Pedestrian/cycle/bus connection to site boundary to north connecting to the highway connection in the Persimmon site, with provisions for maintenance, management and enforcement.

SUMMARY/CONCLUSION

This application raises a number of complex issues which have required very careful consideration. Compatibility with the Development Plan, the previous appeal decision on the site and the changed circumstances at the bus and coach station are all important factors. Equally the economic and financial benefits of the scheme are an important consideration, as is deliverability. The retail market is an uncertain one at present and a relatively small number of schemes of this scale are being progressed nationally at the moment. The commercial interest in Eastern Exeter is a positive endorsement of the city as a place to invest. It is important however to consider the likely delivery of any consented scheme. There have been situations elsewhere where consents have been granted but not implemented, which as well as meaning investment is lost, creates uncertainty in retail hierarchies and can prejudice the proper planning of the area. There are good reasons to suggest that this proposal is more likely to progress than not, although Members will be aware that nothing is guaranteed. Next have had a long standing interest in Eastern Exeter and it is believed that this site is their preferred one. In addition, the presence of named occupiers in the submission documents suggests a high degree of confidence that commercial interest is credible. Consolidated Property Group have an impressive track record of delivery and I would suggest the submission of this proposal relatively soon (at least in planning terms) following the previous refusal suggests a high level of commitment to delivery.

Notwithstanding the above however, Members still need to consider whether both the proposal and the context within which this decision is to be made differs sufficiently from the previous scheme which was deemed unacceptable in planning terms. The application is still

considered to be contrary to Policies CP19 and CP8, as the proposed development will not be a 'local centre' according to the definition of local centres in the Core Strategy. However Members should recognise that the scheme does provide, as part of a wider package, a local function and that it is extremely unlikely that a more 'traditional' local centre will be delivered within the Monkerton/Hill Barton area. This application is therefore the only realistic opportunity to secure local retail facilities in the area.

In conclusion, officers consider that there are now satisfactory material considerations to permit the application. In addition to the opportunity to provide retail facilities to meet the needs of the developing local community in the area, as well as the local business community there are very significant economic benefits. There will no longer be an impact to an investment project on the edge of the City Centre, following the abandonment of the retail redevelopment proposals for the Bus and Coach Station site last year and the retail impact study concludes that there will be no discernible impact on the vitality and viability of the city centre. In respect of this latter issue the impact of out of town retail on city centres has long been the 'make or break' issue in determining applications and historically the City has benefited from a very clear 'city centre first' approach. Whilst this is still a key issue and one that is satisfied in the determination of the current application given that there is not a sequentially preferable site, it is perhaps arguable that a bigger current issue is securing 'bricks and mortar' investment, with its consequent economic benefits, in the face of the relentless growth of online shopping. Whilst the development plan is largely silent on this matter, it is clearly a relevant issue for Members to take into account given the emerging thinking such as that contained within the Grimsey Review on how towns and cities will need to evolve and change to respond to the way on which people now choose to spend their leisure time.

Officers have recommended a number of conditions and legal obligations contained within the report, which will be necessary to ensure that any potential harm resultant from the proposal will be satisfactorily mitigated. Some of these mitigation works, in particular the contribution towards cleaner buses, will have benefits beyond pure mitigation. Subject to these controls and mitigation measures, officers consider that there are sufficient material considerations weighing in favour of the proposal to offset any conflict with the development plan.

RECOMMENDATION

APPROVE subject to the completion of a s106 legal agreement securing the contributions/obligations above and with the following conditions:

1. Standard Time Limits – Outline Planning Permission

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

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

2. Reserved Matters

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

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

3. Approved Plans

The development hereby permitted shall be carried out on the land outlined in red on drawing number 15049_PL01 ('Proposed Location Plan') and shall not be carried out otherwise than in general accordance with the plans listed below, unless modified by the other conditions of this consent or the s106 legal agreement pertaining to it:

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

Reason: To ensure compliance with the approved drawings.

4. Outlook of Neighbouring Dwellings

The distance between the buildings on the site and the dwellings on the land adjoining the site to the north shall be a minimum of twice the height of the buildings (ground floor level to eaves or parapet), taking into account any level difference between the buildings and the dwellings, where the buildings have blank or largely blank walls facing the dwellings.

Reason: To accord with paragraph 7.24 of the Residential Design SPD in the interests of the residential amenity of the neighbouring dwellings.

5. Shadow Path Diagrams

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

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

6. Cycle Parking

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

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

7. Disabled Car Parking Spaces and Electric Charging Points

The reserved matters details shall show the location and design of disabled parking spaces and charging points for electric vehicles in accordance with chapter 6 of the Sustainable Transport SPD. A minimum of 20 electric charging points shall be provided for. The disabled parking spaces and electric charging points shall be provided in the development as approved prior to the occupation of the development.

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

8. Detailed Drawings Pedestrian/Cycle Accesses

The reserved matters details shall include detailed drawings of the three pedestrian/cycle accesses within the site to the south boundary shown on drawing number 15049_PL06 ('Proposed Site Parameters Plan'), including sections to confirm the gradients of the ramps. The entrance to the ramp in the middle of the site to the south shall align with the public right of way footpath to the south of the site and the proposed Toucan crossing on Honiton Road. The pedestrian/cycle accesses shall be provided in the development as approved prior to the occupation of the development.

Reason: To ensure safe and suitable access to the site for all users, including wheelchair users, and ease of access from the existing public right of way footpath to the south of the site.

9. Waste Storage Facilities

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

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

Pre-commencement Details

10. Waste Audit Statement

Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that waste generated during construction is managed sustainably.

11. Surface Water Drainage Management System (Construction) (tbc with DCC)

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

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

12. Detailed Permanent Surface Water Drainage Scheme (tbc with DCC)

Prior to the commencement of the development hereby permitted, a detailed permanent surface water drainage scheme for the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. The scheme shall accord with the Illustrative Surface Water Drainage Strategy (HBS-DR-C-(00)-SK1 P3) in the submitted Flood Risk Assessment Revision D (HBS, 27 July 2018), unless an alternative sustainable drainage system is agreed with the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. The scheme shall include a detailed plan showing the size and location of all parts of the surface water drainage system, and confirm the make and specification of any attenuation features (including the outfall and discharge rate). It shall also include the arrangements for ongoing maintenance and the management responsibilities for all parts of the site's surface water drainage system. The development shall not be occupied until the surface water drainage scheme has been completed as approved and it shall be continually maintained thereafter in accordance with the approved details. (Any soakaways shall be designed in accordance Building Research Establishment Digest 365, and evidence that trial holes and infiltration tests have been carried out in the same location as the soakaways must be provided.)

Reason: To manage water and flood risk in accordance with Policy CP12 of the Core Strategy, Policy EN4 of the Exeter Local Plan First Review and paragraphs 163 and 165 of the NPPF. These details are required pre-commencement as specified to ensure that an appropriate drainage system is provided for the development and there will be no increased risk of flooding to surrounding buildings, roads and land.

13. District Heating Network

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

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

14. BREEAM

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

out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

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

15. Construction Method Statement

No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to minimise noise nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

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

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

16. Tree/Hedgerow Protection Measures

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

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

Pre-specific Works

17. Bird Breeding Season

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name of the ecologist. If breeding birds are found or suspected during the works, the works will cease until the ecologist is satisfied that breeding is complete.

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

18. External Lighting

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

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

Pre-occupation

19. Wildlife Plan

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

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

20. Acoustic Fence

Prior to the first occupation or use of the development hereby permitted, a fence shall be provided along the northern boundary of the site to provide an acoustic, visual and security barrier in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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

21. Detailed Landscaping Scheme

Prior to the first occupation or use of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local

Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. It shall include soft landscaping to screen the fence required by condition 20 above. Where applicable, it shall specify tree and plant species and methods of planting. The hard landscaping shall be constructed as approved prior to the occupation/use of the development. The soft landscaping shall be planted in the first planting season following the occupation/use of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

22. S278 Agreement

The development shall not be occupied or brought into use until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway shown on drawing number 2176-PHL-007 C ('S278 Works Honiton Road Widening and Proposed Bus Stops') in the submitted Transport Assessment Issue 5 (Vectos, Jan 2018), including the Toucan crossing. The works shall be implemented prior to the occupation/use of the development.

Reason: To mitigate the impact of the development on the local highway network and ensure safe access to the site.

23. Travel Plan

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

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

24. Car Park Management Plan

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

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

25. Car Parking Provision

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

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

26. Litter Management

Prior to the occupation of any of the A3 restaurant/drive-through units hereby permitted, a Litter Management Plan for the unit shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Litter Management Plan shall be implemented as approved by the occupier of the unit.

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

27. Kitchen Ventilation

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

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

Post Occupancy

28. Delivery Hours

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

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

29. Noise Levels

Notwithstanding condition 20 above, total noise from the development hereby permitted shall not exceed a rating noise level of 5dB above background noise levels, measured in accordance with BS4142:2014. Compliance with this condition shall be assessed at 1 metre from the façade of residential receptors, or an alternative suitable proxy location as agreed in writing with the Local Planning Authority. This noise level shall be demonstrated to the Local Planning Authority by measurement and reported to the Local Planning Authority following the first occupation of all the units and maintained thereafter.

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

Retail Controls

30. Quantum of Development

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

Development Parameter	Quantum
Maximum Floorspace (sq m GEA)	13,200
Maximum Floorspace (sq m GIA)	12,634
Maximum Building Height (m AOD)	53

Use Class	Maximum (sq m GIA)
A1 (Shops)	11,961
A3 (Restaurants and cafes, including Drive-Thru's)	673

Reason: To define the terms of the permission.

31. Net Sales Area

The total net sales area of the retail (Class A1) floorspace hereby permitted shall not exceed 9,688 square metres, of which no more than 2,789 sq m and no less than 1,000 sq m shall be used for the sale of convenience goods.

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

32. A1 Retail Floorspace (West Block)

The reserved matters to be submitted pursuant to this planning permission for the A1 retail block to the west of the site shown on drawing number 15049_PL06 ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 8,826 sq m (including mezzanine floors) limited as follows:

- a) A maximum of four separate retail units;
- b) A unit of between 3,252 – 5,807 (GIA) with a maximum net sales area of 3,029 sq m for the purposes of non-food retailing; no more than 60% of the net sales area of this unit shall be used for the display and sale of clothing and footwear;
- c) At least one unit of not less than 929 sq m (GIA) for predominantly convenience retailing; up to 20% of the net sales area may be used for ancillary comparison goods sales;
- d) Additional units of not less than 929 sq m (GIA) of which one can be occupied by retailers whose operation is predominantly the sale of clothing and footwear – no more than 60% of the net sales area of this unit shall be used for the display and sale of clothing and footwear.

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

33. A1 Retail Floorspace (North Block)

The reserved matters to be submitted pursuant to this planning permission for the A1 retail block to the north of the site shown on drawing number 15049_PL06 ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 2,788 sq m (including mezzanine floors) limited as follows:

- a) A maximum of three separate retail units;
- b) Retail units shall comprise a minimum size of 464 sq m (GIA);
- c) A maximum of one retail unit can be occupied by retailers whose operation is predominantly the sale of clothing and footwear.

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

34. A1 Retail Floorspace (South Block)

The reserved matters to be submitted pursuant to this planning permission for the A1 retail block to the south of the site shown on drawing number 15049_PL06 ('Proposed Site

Parameters Plan') (indicated as Units K, L and M on the illustrative Proposed Site Layout 15049_PL02 B) shall comprise a maximum gross floor area of 349 sq m (including mezzanine floors) and shall be limited to a maximum of three separate retail units; the retail floorspace to be comprised in these units shall not be occupied by retailers whose operation is predominantly the sale of clothing and footwear.

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

35. A3 Uses

Uses within Class A3 (restaurants and cafes) shall be comprised in a maximum of two freestanding units as shown on drawing number 15049_PL06 ('Proposed Site Parameters Plan') (indicated as Units H and J on the illustrative Proposed Site Layout 15049_PL02 B).

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

36. Chemist

For a minimum period of 10 years following the date of its first opening, the development hereby authorised shall include provision of no less than 464 square metres (GIA) predominantly for the sale of chemist and related goods (with or without a pharmacy).

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

37. Prevention of Amalgamation or Sub-division of Units

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

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

38. Dual Representation

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

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

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*