

Retail Development Proposals in Exeter

Assessment of Cumulative Impact Issues

May 2019

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1. Assessment of Cumulative Impact Issues

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

¹ See Condition No.24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix I

Tesco decision notice



City Development
Civic Centre
Paris Street
Exeter
EX1 1NN

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

Tesco Stores Ltd
C/o Agent

01392 265223
www.exeter.gov.uk/planning

Town and Country Planning Act 1990 and its orders

OUTLINE PLANNING PERMISSION GRANTED

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

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

APPLICATION NUMBER: 17/1962/OUT

The Local Planning Authority grants outline permission for the above development subject to the following conditions:-

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

Reason: To ensure compliance with the approved drawings.

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

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

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

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

Pre-commencement Details

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

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

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

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

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

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

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

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

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

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

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

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

accordance with the approved Arboricultural Method Statement. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced areas, nor shall trenches for service runs or any other excavations take place within the fenced areas except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment. The approved Arboricultural Method Statement shall be adhered to throughout the construction of the development.

Reason: To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

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

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

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

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

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

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

Pre-Tree Works

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

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

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

During Construction

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

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

Pre-specific Works

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

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

Pre-occupation

17. Prior to the first occupation or use of the development hereby permitted, staff cycle parking facilities shall be provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The facilities shall accord with the relevant parts of Chapter 5 of the Sustainable Transport SPD. The facilities shall be maintained at all times thereafter.

Reason: To encourage cycling to the site as a sustainable mode of travel and to accord with the provisions of the Sustainable Transport Supplementary Planning Document.

18. Prior to the first occupation or use of the development hereby permitted, customer cycle parking shall be provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle parking shall accord with the relevant parts of Chapter 5 of the Sustainable Transport SPD. The cycle parking shall be maintained at all times thereafter.

Reason: To encourage cycling to the site as a sustainable mode of travel and to accord with the provisions of the Sustainable Transport Supplementary Planning Document.

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

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

20. Prior to the first occupation or use of the development hereby permitted, the shared use foot/cycleway improvement works shown on drawing number 41739/5501/SK05 A ('Redevelopment of Tesco Vale Overflow Car Park Preliminary Design of Shared Use Foot/Cycleway Improvement') shall be completed. The works shall be maintained at all times thereafter.

Reason: To enhance access to the site by sustainable modes.

21. Prior to the first occupation or use of the development hereby permitted, the footpath extension shown on drawing number 41739/5501/SK04 ('Redevelopment of Tesco Exeter Overflow Car Park Proposed Footpath Extension') shall be completed. The footpath extension shall be maintained at all times thereafter.

Reason: To enhance access to the site by sustainable modes.

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

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

Post Occupancy

23. The retail unit hereby permitted shall not be subdivided into more than one retail unit without the prior approval in writing of the Local Planning Authority.

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

24. The premises shall only be used for the sale of bulky comparison goods consisting of building and DIY products, garden products and plants, furniture, carpets, floor coverings, large electrical and gas appliances, vehicle accessories and parts, boating equipment (excluding boats) and any other goods which are ancillary and directly related to the main goods permitted (the sales area for such ancillary goods shall be no more than 5% of the total permitted net sales area).

Reason: To ensure the application passes the sequential test and in the interests of protecting the vitality and viability of the centres in Exeter in accordance with Policy CP8 of the Core Strategy and Chapter 7 of the NPPF.

25. Cumulative noise levels from all mechanical building services plant on the site shall not exceed a rating noise level of 52dB between the hours of 7am and 11pm, and 39dB

between the hours of 11pm and 7am, measured in accordance with BS 4142:2014. These levels shall be achieved at 1 metre from the window of the nearest noise sensitive receptor. The developer shall demonstrate by measurement compliance with this level prior to occupation of the development and as requested by the Local Planning Authority thereafter.
Reason: To protect the amenity of residents living in Etonhurst Close and Lewis Crescent. This takes into account the information in the submitted Noise Impact Assessment.

26. There shall be no deliveries to the site nor loading or unloading of delivery vehicles between the hours of 11pm and 7am.

Reason: To protect the amenity of residents living in Etonhurst Close and Lewis Crescent. This takes into account the information in the submitted Noise Impact Assessment.

INFORMATIVES

1. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.
It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.
2. In accordance with the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.
3. In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Signed 
City Development Manager

Dated: 14th May 2019

**Notification where planning permission refused or granted subject to conditions
Town and Country Planning Act 1990**

**Article 35(3) of The Town and Country Planning (Development Management Procedure)
(England) Order 2015 (as amended)**

Appeal

If you are aggrieved by the decision of the Local Planning Authority to either refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. Only the person who made the application can appeal.

To submit an appeal, please go to the Planning Inspectorate website:

<https://www.gov.uk/government/organisations/planning-inspectorate>

Appeals must be made using a form, which can either be completed and submitted online or can be sent to you in the post by the Planning Inspectorate. To request a form, please contact the Planning Inspectorate using their contact details below:

The Planning Inspectorate
Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Planning Inspectorate customer support team

0303 444 5000

enquiries@pins.gsi.gov.uk

A copy of the completed form and all supporting plans and documents must also be sent to the Local Planning Authority. The Planning Inspectorate will be able to advise you on the best way to do this. Please use the Council's contact details at the top of the decision notice.

If you want to make an appeal you must do so within **6 months** of the date of this notice, unless it is a **householder appeal** in which case you must do so within **12 weeks** of the date of this notice. The date is at the bottom of the decision notice.

If an enforcement notice has been served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within **28 days** of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within whichever period expires earlier out of the following:

- 28 days of the date of service of the enforcement notice, or
- 6 months of the date of this notice, unless it is a householder appeal in which case 12 weeks of the date of this notice.

Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. Guidance on planning appeals is available on the Planning Practice Guidance website: <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part 6 of the Town and Country Planning Act 1990.