

**COMMITTEE DATE:** 22/07/2019

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

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

**REGISTRATION DATE:** 12/03/2018

**EXPIRY DATE:**

#### **HISTORY OF SITE**

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10/1613/FUL -	Vehicular access off Avocet Road	Withdrawn	26.11.2010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

#### **DESCRIPTION OF SITE/PROPOSAL**

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

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

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

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

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

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

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

#### **Additional Information Submitted During Application**

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

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

## **REPRESENTATIONS**

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

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

The issues raised in the letters of support were:

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

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

## **CONSULTATIONS**

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

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

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

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

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

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

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

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

**RSPB:** No response.

**South West Water:** No objection.

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

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

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

**Exeter Chamber of Commerce & Industry:** No response.

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

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

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

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

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

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

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Government Guidance**

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

### **Core Strategy (Adopted 21 February 2012)**

Core Strategy Objectives

CP1 – Spatial Strategy

CP2 – Employment

CP8 – Retail

CP9 – Transport

CP11 – Pollution

CP12 – Flood Risk

CP13 – Decentralised Energy Networks

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

CP18 – Infrastructure

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

AP1 – Design and Location of Development

AP2 – Sequential Approach

E3 – Retention of Employment Land or Premises

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

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

W4 – Waste Prevention  
W21 – Making Provision for Waste Management

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

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

### **Exeter City Council Supplementary Planning Documents**

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

### **Devon County Council Supplementary Planning Documents**

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

### **OBSERVATIONS**

The key issues are:

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

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

#### 1. The Principle of the Proposed Development

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

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

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

#### *Sequential Test*

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

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

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

### *Impact Test*

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

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

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

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

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

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

## *Employment Land*

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

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

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

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

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

## 2. Access and Impact on Local Highways

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

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

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

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

## 3. Parking

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

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

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

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

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

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

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

#### 4. Impact on Air Quality

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

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

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

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

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

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

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

## 5. Contaminated Land

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

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

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

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

## 6. Impact on Amenity of Surroundings

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

## 7. Impact on Trees and Biodiversity

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

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

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

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

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

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

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

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

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

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

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

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

#### 8. Flood Risk and Surface Water Management

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

Policy CP12 requires all development proposals to mitigate against flood risk utilising SUDS where feasible and practical. The proposed surface water drainage strategy incorporates an attenuation system that will discharge to a watercourse at a controlled rate. The Lead Local Flood Authority is Devon County Council. They have no in-principle objection, subject to the imposition of pre-commencement conditions securing the detailed design of the system for the operational and construction phases.

#### 9. Sustainable Construction and Energy Conservation

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

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

#### **CIL/S106**

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

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

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

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

#### **RECOMMENDATION**

**REFUSE** for the following reason(s):

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

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

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

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

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