

EXETER LOCAL PLAN 2021-2041

INDEPENDENT EXAMINATION

MATTER 2, ISSUE 4

RETAIL NEED – POLICIES RFC1 AND RFC2

HEARING STATEMENT

ON BEHALF OF

GROWEN ESTATES





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RA Ref: CONS0016

LPA Ref: -

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Date of Issue: February 2026



1. Introduction

- 1.1 This Position Statement sets out a brief response on behalf of Growen Estates (GE) to the Inspectors' questions in relation to Matter 2, Issue 4
- 1.2 This Hearing Statement should be read in conjunction with the written representations made on behalf of GE to the Regulation 19 Plan.

2. Q5

Are policies RFC1 and RFC2 positively prepared, justified, effective and consistent with national policy?

- 2.1 For the reasons set out in GE's representations to the Regulation 19 Plan, Policy RFC1 and its reasoned justification is unsound since it is not based on a complete and robust identification of centres that will increase prosperity, provide a wider range of services and minimise the need to travel. In particular, the list of district and local centres at paragraph 8.14 is incomplete, and insufficient to deliver the sustainable communities that are sought.
- 2.2 Whilst it is stated at paragraph 8.14 that a high level review of the city's centres has been undertaken, which has resulted in a small number of additional local centres being identified, the list is incomplete. In particular, it does not include the committed district centre to the north of Honiton Road and west of Fitzroy Road¹ which is intended to serve both the new community of up to 2,500 homes at Monkerton and Hill Barton, as well as providing local facilities for the substantial existing business community at the Exeter Business Park and Sowton Industrial Estate which are currently extremely poorly served. Strong support was expressed to the application from the representatives of numerous businesses, including the Exeter Science Park who confirmed the imperative to deliver additional facilities for the substantial existing workforce in this part of Exeter and to facilitate future recruitment of the calibre of staff required.
- 2.3 A copy of the relevant outline planning permission is included at Annex 1 to these representations. The broad scale and mix of uses is identified in Conditions 38 and 39, albeit having subsequently been adjusted through non-material amendments with the use classes updated to reflect the new Class E. In essence, the extant planning permission is for circa 11,000m² of floorspace for a range of town centre uses within Class E.
- 2.4 A valid application for approval of the reserved matters was made within the specified timescales. The proposals have been subject to various amendments following submission, some of which were in response to requirements of the Council, and others to reflect the challenging and dynamic retail market conditions. However, final amendments have recently

¹ Planning permission ref. 19/1461/OUT

been submitted, and it is anticipated that the decision notice will be issued by the time of the Examination Hearing session.

- 2.5 GE have been working in close collaboration with Consolidated Property Group, an experienced retail property developer and manager, and agreed heads of terms with prospective occupiers are in place for most of the units. Many of the other conditions of planning permission have already been discharged, and it is anticipated that the development will commence on site at an early stage following approval of the reserved matters.
- 2.6 As part of the 'vision' for Exeter set out in the adopted Core Strategy it is proposed that the city will embrace its role in the region as an area of growth, *inter alia*, through 'sustainable urban extensions to the east at Newcourt and Monkerton/Hill Barton'². The subject site is within the defined boundaries of the Monkerton/Hill Barton Strategic Allocation, adjacent to its south-western boundary³.
- 2.7 In accordance with Policy CP19, the Monkerton/Hill Barton Strategic Allocation is proposed for around 2,500 dwellings, 5 hectares of employment land, and all associated infrastructure, including a local centre to provide shops, doctors surgery and community. Therefore, the ingredients for a sustainable urban extension at Monkerton/Hill Barton include local shopping and related town centre facilities, to serve both the substantial existing and future business and residential communities in east Exeter.
- 2.8 The Monkerton and Hill Barton Masterplan Study was commissioned by the Council, the County Council and the Hill Barton Consortium as part of the Core Strategy evidence base, and informed the formulation of Policy CP19. It is germane that the conceptual model for the development of the area to create a cohesive urban area comprised two new centres, 'a new district centre focused in the north western part of



² Exeter Core Strategy, para. 3.2

³ Ibid, p.101, Plan 2

the area', and 'development of a more local centre focused at Hill Barton'⁴. The vision for the Pilton Centre was for a diverse, mixed use district hub incorporating, *inter alia*, shops, cafes, restaurants and other community facilities⁵. The Hill Barton Centre was intended to be a local neighbourhood centre focused around a proposed new railway station at Hill Barton Farm⁶.

- 2.9 Neither of those proposed centres has been delivered, and the initial land reservations for them have been permitted, and developed, for other uses. The only opportunity for delivering retail and related facilities to serve the substantial new community at Monkerton/Hill Barton, as well as the substantial existing business community in east Exeter, is now the permitted scheme on the subject site, which is the land shaded blue and annotated 'Sowton' on the copy extract plan above.
- 2.10 In recommending the application for town centre facilities on the subject site for approval, the need for facilities in this location was acknowledged, and the fact that it was the only remaining opportunity associated with the Monkerton and Hill Barton strategic allocation. A copy of the Committee report is included at Annex 2. This is reflected in the following extracts:

The applicants had changed the previous application to incorporate a wider mix of uses to serve the residential and business communities on the eastern side of the city. These communities are poorly served at present, as there is no existing centre or hub in this area providing these sorts of facilities. There is a clear pattern in the distribution of the existing local and district centres across the city, in that they are generally located along the main arterial routes leading to/from the city centre. For example, there are five centres along the B3212 to the northeast. However, there are only two to the east – Magdalen Road and Heavitree, albeit Waitrose has also been developed along this corridor helping, in part, to fulfil a local convenience need. Nevertheless, it's clear that the application site would fit in with this spatial pattern and fill a gap in provision in this part of the city where there has been significant housing and employment growth over recent years.

⁴ Monkerton and Hill Barton Masterplan Study, November 2010, p.37

⁵ Ibid, p.46

⁶ Ibid, p.48

*Members did not refuse the previous application due to the proposed mix of uses, but were concerned specifically with the scale of the development, in particular the amount of A1 and A3 floorspace. **Officers had acknowledged that the scale of the proposal did not fit in with the definition of a 'local centre' in the Core Strategy, but had weighed this in the 'planning balance' against the significant economic and social benefits of the scheme, and come to the conclusion that the application should be approved.** The applicants continue to point out that notwithstanding other planning issues, this restriction does not apply to the other out-of- centre sites, resulting in a perverse situation where one of these sites could be approved in retail policy terms, but the application site cannot even though it is clearly the most sustainable in terms of access by non-car modes to/from the new residential community. The fact these other sites have been promoted for major retail development recently is a material consideration that arguably outweighs the policy conflict of the proposal not being a local centre, as per the definition in the Core Strategy.*

*Members should also consider that the Core Strategy was adopted in 2012. The NPPF states that policies in local plans should be reviewed to assess whether they need updating at least once every five years... and should take into account changing circumstances affecting the area (paragraph 33). **Officers therefore consider that a more flexible approach is appropriate in meeting the needs of the new community, as a local centre that meets the Core Strategy definition has failed to be delivered and does not look likely to be delivered in the future. In terms of scale, the proposal probably sits somewhere between a local centre and district centre when considering the sizes of existing centres in the city.***

*Members will also recall that the Monkerton & Hill Barton Masterplan was approved for development management purposes for this area in 2010. **This document envisioned a local centre and district centre within the strategic allocation area, but neither have materialised. This proposal could therefore be seen as helping to fulfil the masterplan vision of providing at least one mixed use centre for the allocation area.** The recently published National Design Guide (MHCLG, October 2019) states that well-designed places have a mix of uses including local services and facilities to support daily life (p.34). If this proposal is turned down, there is a risk*

that no mixed use hub will be provided for the new community or the extensive business community in the area.⁷

2.11 It is therefore clear from the foregoing that:

- There is an acknowledged need for a town centre in this part of Exeter to meet the needs of the substantial existing and future residential and business communities, and which are currently poorly served by any coherent hub of facilities.
- The planned provisions have not materialised occasioning the need for a more flexible approach.
- The approved proposals for the application site will deliver the vision of the Core Strategy and associated Monkerton and Hill Barton Masterplan, which are integral to the delivery of a sustainable community.
- The approved scheme for the subject site is a good fit with the spatial pattern of existing centres and will fill a gap in provision in a part of the city where there has been significant growth.

2.12 For the foregoing reasons the subject site should be included as an additional District centre in the list of district and local centres set out at paragraph 8.14 of the Plan. Failure to do so means that the retail policies of the Plan have not been positively prepared or justified, and will not be effective in filling the acknowledged gap in provision or providing for sustainable communities.

⁷ Application ref. 19/1461/OUT, Report to Planning Committee, 6 January 2020, pp. 26-27, emphasis added

List of Annexes

- 1 Application Ref. 19/1461/OUT_Decision Notice
- 2 Application Ref. 19/1461/OUT_Committee Report



Annex 1

**Application Ref. 19/1461/OUT
Decision Notice**



City Development
Civic Centre
Paris Street
Exeter
EX1 1NN

Dr Thomas Roche
Roche Associates Ltd
Number One
Queen Square Place
Bath
BA1 2LL

CPG Development Projects Ltd
and Growen Estates 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: Land North Of Honiton Road And West Of Fitzroy Road, Exeter, EX1 3RS

PROPOSAL: Mixed use development to provide town centre facilities comprising uses within some or all of Class 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)

APPLICATION NUMBER: 19/1461/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 15049_PL01 ('Proposed Location Plan') and shall not be carried out otherwise than in accordance with the plans listed below, unless modified by the other conditions of this consent including the approval of the reserved matters:

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

Reason: To ensure compliance with the approved drawings.

4. 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.

5. 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 and maintained at all times thereafter.

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

6. 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 45 electric charging points shall be provided for in accordance with the Moor Exchange Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019). The disabled parking spaces and electric charging points shall be provided in the development as approved prior to the occupation of the development and maintained at all times thereafter.

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, paragraph 110 of the NPPF, section 7.3 ('Mitigation') of the submitted Moor Exchange Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019) and Policy EN3 of the Exeter Local Plan First Review.

7. The reserved matters details shall show the location of an electric bike hire facility on the site. The electric bike hire facility shall be implemented and made fully operational prior to the occupation of any unit on the site, and shall be maintained at all times thereafter.

Reason: To provide appropriate air quality mitigation in accordance with section 7.3 ('Mitigation') of the submitted Moor Exchange Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019) and Policy EN3 of the Exeter Local Plan First Review.

8. 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 11 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

9. Prior to the commencement of the development hereby permitted, a detailed plan of the bus/pedestrian/cycle access to the north boundary shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show the access designed as a short section of bus lane in both directions and also the location and design of appropriate signage and CCTV to ensure that it is used by buses, pedestrians and cyclists only. It shall also show the location of a temporary concrete barrier to prevent the access from being used by other vehicles until such time that a bus service requiring its implementation becomes operational. The plan shall be accompanied by details of the implementation of the access and the management and maintenance of the access, including responsibility for CCTV monitoring and enforcement, for the lifetime of the development. The bus/pedestrian/cycle access shall be constructed in accordance with the approved detailed plan prior to the occupation of the development and it shall be implemented, managed and maintained in accordance with the approved details at all times thereafter.

Reason: To provide a connection to the highway constructed on the adjoining site for sustainable travel in accordance with Policies CP16, CP17 and CP19 of the Core Strategy promoting a sustainable movement network, taking into account the advice of Stagecoach, and to prevent a severe impact on the local highway network and unsafe access through use by other vehicular traffic. These details are required pre-commencement as specified to ensure that an acceptable access and highway connection are designed for the site before the development is built.

10. Prior to the commencement of the development hereby permitted, detailed plans, including sections to confirm gradients, of the three pedestrian and/or cycle connections to the south boundary and a pedestrian/cycle route from the south boundary to the north boundary at the point where the pedestrian/cycle link on the adjoining site meets the boundary shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle connections and route shall be constructed as approved prior to the occupation of the development and shall be kept free from obstruction, including at the boundary points, and maintained at all times thereafter.

Reason: To ensure the development provides a sustainable movement network with links to the surroundings in accordance with Policies CP16, CP17 and CP19 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and Section 9 of the NPPF. These details are required pre-commencement as specified to ensure that acceptable pedestrian and/or cycle connections are designed for the site before the development is built.

11. 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.

12. No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

13. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system 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. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Moor Exchange Honiton Road, Exeter Flood Risk Assessment Revision E (Ref. 23-20-18-1-6075/FRA, November 2019). The approved permanent surface water drainage management system shall be implemented prior to the occupation of the development.

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems. A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream. (Advice: Refer to Devon County Council's Sustainable Drainage Guidance.)

14. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible. This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

15. No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, 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 monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management. This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

16. 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. These details are required pre-commencement as specified to ensure that surface water can be managed suitably without increasing flood risk or negatively affecting water quality downstream, or negatively impacting on surrounding areas and infrastructure. (Advice: Refer to Devon County Council's Sustainable Drainage Guidance.)

17. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

18. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The permanent surface water drainage management system shall be adopted and maintained as approved.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

19. 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.

20. 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.

21. 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.

22. 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

23. 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.

24. 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

25. 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.

26. Prior to the first occupation or use of the development hereby permitted, a fence shall be provided along the north 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. The design of the fence shall make provisions for the connections to be secured under conditions 9 and 10.

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

27. 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 soften the impact of the fence required by condition 26 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.

28. 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 including those shown on drawing number 2176-PHL-007 C ('S278 Works Honiton Road Widening and Proposed Bus Stops') and the movement forward of the stop line (and associated works such as the movement of the signal heads) on the Honiton Road westbound arm of the Fitzroy Road signalised junction. The works shall be implemented prior to the occupation/use of the development and maintained at all times thereafter.

Reason: To prevent a severe impact on the local highway network and to ensure that safe and suitable access is provided for vehicles in accordance with paragraph 108 of the NPPF.

29. 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.

30. 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.

31. 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.

32. Prior to the occupation of any of the A3 restaurant/drive-through units or A5 hot food takeaway 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.

33. Prior to the occupation of any of the A3 restaurant/drive-through units or A5 hot food takeaway 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

34. 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.

35. Notwithstanding condition 26 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.

36. The Class D2 floorspace hereby permitted shall be used as a gym and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To control the use in the interests of the amenity of the area and development plan policies.

37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- Part 3, Class A - restaurants, cafes, or takeaways to retail
- Part 3, Class B - takeaways to restaurants and cafes
- Part 3, Class C - retail, betting office or pay day loan shop or casino to restaurant or café

- Part 3, Class D - shops to financial and professional
- Part 3, Class E - financial and professional or betting office or pay day loan shop to shops
- Part 3, Class F - betting offices or pay day loan shops to financial and professional
- Part 3, Class G - retail or betting office or pay day loan shop to mixed use
- Part 3, Class J - retail or betting office or pay day loan shop to assembly and leisure
- Part 3, Class JA - retail, takeaway, betting office, pay day loan shop, and launderette uses to offices
- Part 3, Class M - retail, takeaways and specified sui generis uses to dwellinghouses

Reason: To control the uses on the site in the interests of the amenity of the area and development plan policies, including maintaining a mix of uses to meet the aspiration of providing a local centre within the Monkerton/Hill Barton strategic allocation area in accordance with Policy CP19 of the Core Strategy, and ensuring acceptable access and traffic impacts in accordance with paragraph 108 of the NPPF.

Retail Controls

38. 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)	11,527
Maximum Floorspace (sq m GIA)	11,004

Use Class	Maximum (sq m GIA)
A1 (Shops)	8,659
A2 (Financial and professional services)	465
A3 (Restaurants and cafes, including drive-throughs)	1,021
A5 (Hot food takeaway)	116
D2 (Gym)	743

Reason: To define the terms of the permission.

39. The total net sales area of the retail (Class A1) floorspace hereby permitted shall not exceed 7,552 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 (including post office 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.

40. The reserved matters to be submitted pursuant to this planning permission for the A1 retail block to the west of the site ('Block A') shown on drawing number 15049_PL06 F ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 7,897 sq m (including mezzanine floors) limited as follows:

- a) A maximum of four separate retail units;
- b) A unit with a maximum floor area of 4,275 sq m (GIA) and a maximum net sales area of 3,329 sq m; no more than 40% of the net sales area of this unit shall be used for the display and sale of clothing, footwear and/or clothing fashion goods; the

remainder of the net sales area shall be used for the sale of home furnishings, furniture, kitchen and bathroom fittings, lighting, DIY and decorating products, electrical items, garden goods and any other goods which are ancillary and directly related to the main goods permitted (the sales areas for such ancillary goods shall be no more than 5% of the total permitted net sales area);

- c) At least one unit of not less than 929 sq m (GIA) for predominantly convenience (food) 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, footwear and/or clothing fashion goods - no more than 60% of the net sales area of this unit shall be used for the display and sale of clothing, footwear and/or clothing fashion goods.

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

41. The reserved matters to be submitted pursuant to this planning permission for the A1/A2/A5/D2 mixed use block to the north of the site ('Block B') shown on drawing number 15049_PL06 F ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 2,086 sq m (including mezzanine floors) limited as follows:

- a) A maximum of three separate A1 retail units of not less than 116 sq m (GIA) each, of which a maximum of one retail unit can be occupied by retailers whose operation is predominantly the sale of clothing, footwear and/or clothing fashion goods;
- b) At least one A2 unit;
- c) At least one A5 unit;
- d) At least one D2 (gym) unit.

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

42. Uses within Class A3 (restaurants and cafes) shall be comprised in a maximum of three freestanding units as shown on drawing number 15049_PL06 F ('Proposed Site Parameters Plan').

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.

43. 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 530 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.

44. 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.

45. 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.

INFORMATIVES

1. The comments made by Network Rail on the application in their letter dated 6 January 2020 should be taken into account and acceded to insofar as they relate to this outline planning permission and the relevant conditions above.
2. 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.
3. 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.
4. 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: 5th February 2020

**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@planninginspectorate.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.



Annex 2

Application Ref. 19/1461/OUT
Committee Report

OFFICER'S REPORT AND RECOMMENDATION (18/0878/FUL)

Land north of Honiton Road and west of Fitzroy Road
Exeter
EX1 3RS

HISTORY OF SITE

11/1619/OUT -	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/RES -	Hotel and restaurant (Approval of reserved matters following outline approval 11/1619/01 granted 19 June 2012)	PER	17.12.2012
13/5128/VOC -	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/OUT -	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
18/0076/OUT -	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).	Withdrawn	20.08.2018
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).	Withdrawn	23.07.2019

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 housing in Myrtlebury Way 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. An Extended Phase 1 Habitat Survey of the land was carried out in July 2017 and the results were recorded in a Preliminary Ecological Appraisal submitted with application ref. 18/0076/OUT. This concluded 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 and in an area identified as being potentially contaminated.

The application has been submitted in outline with all matters reserved except access. The proposal is to develop a mixed use development comprising uses within some or all of Class A1 (shops), Class A2 (financial and professional services), Class A3 (cafes and restaurants) with associated drive-throughs, Class A5 (hot food takeaways) and Class D2 (assembly and leisure), with associated access, access roads, service yards, car parking, infrastructure, public realm and landscaping. The application is a resubmission of the application that went to committee in July 2019 and was subsequently withdrawn (18/1330/OUT). This was a revision of the application that went to committee in August 2018 and was also withdrawn (18/0076/OUT). Approval is sought for a maximum floorspace of 11,527 sq m (GEA) / 11,004 sq m (GIA) comprising 8,659 sq m A1, 465 sq m A2, 1,021 sq m A3, 116 sq m A5 and 743 sq m D2. The amount of floorspace has been reduced by about 13% compared to application ref. 18/0076/OUT by removing all the mezzanines except for Unit A, which is a specific requirement of the intended occupier, Next Home. The amount of Class A1 floorspace has reduced by approximately 28% in favour of other uses. In addition, the applicants propose that between 1,000 sq m and 2,789 sq m of the A1 floorspace shall be used for the sale of convenience goods, one unit shall be provided for the sale of chemist and related goods (with or without a pharmacy) for a period of not less than 5 years, and a minimum of 116 sq m shall be made available for the provision of Post Office facilities.

Approval is also sought for a Parameters Plan. This is the same plan as the previous application. Block A to the west will comprise A1 uses and Block B to the north will comprise A1, A2, A5 and D2 uses. Three A3 use buildings will be provided to the south. A car park will be provided between the buildings, incorporating footways, zebra crossings, trees and a public open space with seating provision. The plan also shows a cycle hire point adjacent to the public open space. The plan states that 40 electric vehicle charging points will be provided.

The access proposals have been submitted in detail and are the same as the previous applications. 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 residential area to the north. The plan shows a vehicle connection to the north up to the site boundary in order to connect to Myrtlebury Way.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Cover letter (Rocke Associates, 17 October 2019)
- Design & Access Statement REV B (Fletcher Rae, September 2018)
- Retail Assessment (Mango, January 2018)

- Chase & Partners letter 24 January 2018 re Material Changes in the Exeter Retail Development Market
- Economic Impact Assessment (Regeneris, 14 March 2018)
- Transport Assessment (Vectos, December 2017)
- Traffic Distribution Technical Note (Vectos, April 2018)
- Transport Addendum (Vectos, October 2018)
- Flood Risk Assessment (HBS, January 2018)
- Noise Assessment for Planning Application (Inacoustic, 16 March 2018)
- Geophysical Survey Report (Stratascan, April 2010)
- Air Quality Assessment (Ramboll, February 2019)

Additional Information Submitted During Application

- Flood Risk Assessment (HBS, November 2019)
- Mango letter 9 December 2019 re East Devon District Council representations
- Moor Exchange Exeter Air Quality Assessment (Ramboll, December 2019)

REPRESENTATIONS

One representation was received supporting the application. The following issues were raised:

- This area of the city lacks the facilities/shops this development is proposing.
- This will support the local community and create additional jobs.
- There is no reason to decline this proposal based on taking trade away from the City Centre, the shops proposed for this development would not open in the city centre, if anything this will help the City Centre as will generate more visitors to Exeter who are then likely to visit the City Centre.

Five objections were received. The following issues were raised:

- Block B too close to residential properties; its height will block daylight and any windows would invade privacy.
- Noise pollution.
- Air pollution.
- Food outlets will increase vermin.
- Non-residents will be able to access neighbouring residential development reducing security.
- Parking in residential area if car park is full.
- Other proposed retail parks would be more suitable that are not as close to residential areas.
- Concerns Myrtlebury Way will not be suitable for buses and the proposed bus link will be used by other traffic and become a rat-run.
- All the proposed developments are in the city centre already.
- Can the site be retained as a 'green' site?
- Not in keeping with declared climate emergency or the Exeter Local Plan.
- Geared towards private car usage, including drive-throughs.
- Local transport network and the climate cannot afford increase in traffic, pollution and CO2 emissions.
- Proposed facilities are short distance away already, whether by walking, bus or car.
- Peaceful area will be spoiled.
- Proposed facilities are not required.
- More traffic, congestion, pollution and noise.

- Will affect CO2 emissions, atmosphere and ozone layer.
- Height of buildings over viewing back gardens and proximity to hedge line.
- Impact on residential amenity – noise and odours.

One representation was received neither supporting nor objecting. The following issues were raised:

- Great idea provided no vehicle access via Myrtlebury Way.
- Myrtlebury Way not wide enough for two vehicles.
- Myrtlebury Way is a quiet residential street where children play.

CONSULTATIONS

Highways England: No objection – The current proposals are supported by the Transport Assessment prepared by Vectos for the January 2018 application which reflected a greater quantum of development to that now under consideration. The current proposals represent a reduction in floorspace with an increased range and diversity of facilities to address comments made at previous planning committee stages and better reflect the potential requirements of a district centre/community hub.

In terms of the SRN, Highways England is satisfied that the revised quantum and mix of development is unlikely to result in a material change to the traffic impact previously assessed and accepted by us, and the impact of the proposals on the operation of the SRN is therefore not considered to be severe.

Local Highway Authority (DCC): The LPA should refer to the consultation response for the previous application (summarised below).

The revised proposal will generate less traffic than the previous scheme, i.e. reduction of c.140 two-way trips in the weekday PM peak hour and c.190 trips in the peak weekend period. To avoid a highways objection, it is essential that a pedestrian/cycle link is provided through the site to connect with the Persimmon housing site. It is also essential that a bus/pedestrian/cycle only link is provided to the Persimmon site and secured by s106 and/or condition. S278 works the same as the previous application are welcomed. Electric vehicle parking spaces welcomed. Cycle parking/changing facilities should be provided in accordance with 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. A Travel Plan will be required. See conditions/s106 requirements relating to 18/0076/OUT.

Lead Local Flood Authority (DCC): Withdrew initial objection following the submission of additional information. Pre-commencement conditions recommended – detailed design, percolation tests, 12 month groundwater monitoring programme, construction drainage scheme, details of exceedance pathways/overland flow routes, and adoption/maintenance arrangements.

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: Holding objection – Geotechnical Engineer requires additional details regarding the installation of the substation and communal bin store at the western corner of the site. (These details have been provided and further comments are awaited.)

Natural England: No comments. Refer to standing advice in regard to protected species.

RSPB: Green roofs/living walls should be considered to help insulate the buildings, mitigate the impact on climate change, improve air quality, enhance the appearance and encourage vertebrates and non-vertebrate species. Biodiversity enhancement measures should be considered as part of a Landscape and Environment Management Plan for the site.

South West Water: No objection.

Devon & Somerset Fire & Rescue Service: Submitted drawings appear to meet B5 access and facilities for the Fire Service, but any B5 issues and other fire safety measures will be addressed through the statutory consultation process under the Building Regulations 2010. The developer is recommended of the importance of the consideration of sprinkler protection of the proposed development at the earliest possible stage.

Designing Out Crime Officer, Devon and Cornwall Police: Pedestrian access points should be direct, wide, well-lit and overlooked. Planting abutting pathways should be avoided. CCTV needed to monitor vehicle access point. Vehicular access control needed. Protection from hostile or accidental vehicles should be provided to the front curtilages of the retail units and access to pedestrian walk ways. The area to the rear of units A-D should be secured and access to the service lane needs to be controlled and managed. Security rated fencing along boundary with railway should be considered. Boundary hedge to residential development should be robust with clear ownership and responsibility for maintenance. Remaining borders should be 'controlled' boundaries. CCTV system should be conditioned. Internal planting should be ideally ground covering and reach a max height of 500mm. Trees should have reduced canopy width and height verities to maximise CCTV coverage and reduce conflict with lighting. Confirmation of opening hours required. Extended opening hours can attract anti-social behaviour and need to be managed robustly. If some units intend to open 24 hours, measures required to provide access, but restrict access to remainder of development. Secure cycle parking standards provided. Confirmation needed of the management policies of the site. Retail spaces on the outskirts of the city close to main arterial roads can be targeted by organised crime groups. It is important to maintain an intelligence link with EBAC (Exeter Businesses Against Crime) which is run and controlled by Exeter City Council if possible.

East Devon District Council: The application should consider Cranbrook Town Centre in terms of both the sequential test and impact tests in the NPPF/PPG. Only a cursory assessment has been undertaken. Since the previous application was considered, the Cranbrook Plan DPD has been submitted to the Government for examination. Hearing sessions are currently scheduled for January 2020. Appropriate weight should be given to the document accordingly as a material consideration. Without a detailed assessment of the impacts of the proposals on Cranbrook Town Centre it's considered that a sound decision cannot be made.

Exeter Civic Society: The application is now closer to providing the facilities of a local centre, but not entirely happy with the facilities proposed. Large retail units will harm the vitality and viability of the city centre and other retail centres. Small supermarket, chemist, mother and child outlet, coffee shop/fast food outlets are suitable for a modern local centre. Also support post office, newsagent, takeaway and bank – affordable rental rates should be set to ensure their survival. Large home furnishing store and supermarket will attract car trips. These facilities are already provided for in the area. Drive-throughs not desirable – will attract pass-by trips. A better mix of businesses rather than retail are more likely to result in higher wages. More space should be dedicated to pedestrian circulation and public realm over car parking. The pavement on the north side of Honiton Road should be widened to 3m to allow a shared pedestrian/cycle route. Consideration should be given to doing the same on the south side of the road, as well as improvements to Wilton Way roundabout for cyclists. Cycle access to the site should be improved. Bus link welcomed, but will it be used by bus operators; bus stops and shelters should be provided. The height of the units should be reduced to reduce their impact on the adjoining homes. Tree planting should be provided to protect outlook and mitigate noise.

Exeter Cycling Campaign: Objects – Non-compliance with the adopted Local Plan, particularly CP1, CP8, CP9 and CP17, and 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. The inclusion of a post office, newsagent and gym do not offer enough incentive to encourage local use of the site by occupants of the adjacent residential properties or commercial offices. This development therefore remains an out of town retail park. Extensive parking and drive throughs will significantly increase vehicle movements and will impact on the viability of the city centre. Concerns electric car charging points and electric bicycle hire point are being offered as mitigation rather than considered schemes.

Environmental Health (ECC): Objected originally due to insufficient assessment of air quality impacts, adverse impact on air quality and insufficient mitigation of air quality impacts. Following the submission of a revised report with additional mitigation, no objection subject to conditions (CEMP, Litter Management, Kitchen Extraction, Lighting, Noise, Contaminated Land, Air Quality – Co Bikes facility and additional electric vehicle charging points).

Arboricultural Officer: No arboricultural objections provided there is more substantial planting within and adjacent to the north boundary than as shown on the indicative plan and more space is allowed to ensure the retention of the hedge on or close to the north boundary.

Heritage Officer (ECC): No comments – The archaeology on this site has previously been addressed.

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)
National Design Guide (October 2019)

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
- 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
- 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)

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. Impact on Amenity of Surroundings
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

This application is a resubmission of an application that was considered by the Planning Committee in July 2019, alongside two other applications for major retail developments on out-of-centre sites. It was formally withdrawn after the committee decided to refuse the application. The reasons for refusal were the scale of the development, particularly the amount of A1 and A3 uses, making it larger than a 'local centre' and thereby conflicting with Policies CP19 and, less specifically, CP8, and dissatisfaction with the level of mitigation proposed to address the impact of the proposals on the Air Quality Management Area (AQMA) at East Wonford Hill. Importantly, the committee did not refuse the application, due to its impact on the vitality and viability of the city centre or any of the district or local centres in the city. This followed officers' advice that the proposals complied with the national retail policy tests set out in the NPPF (2019).

An application for a slightly bigger scheme comprising A1 and A3 uses only was turned down by the Planning Committee in August 2018 and subsequently withdrawn by the applicants. This followed an application to provide a District Centre in 2014 that was refused and dismissed at appeal by the Secretary of State in 2016. The Secretary of State's decision is a material consideration.

The applicants had changed the previous application to incorporate a wider mix of uses to serve the residential and business communities on the eastern side of the city. These communities are poorly served at present, as there is no existing centre or hub in this area providing these sorts of facilities. There is a clear pattern in the distribution of the existing local and district centres across the city, in that they are generally located along the main arterial routes leading to/from the city centre. For example, there are five centres along the B3212 to the northeast. However, there are only two to the east – Magdalen Road and Heavitree, albeit Waitrose has also been developed along this corridor helping, in part, to fulfil a local convenience need. Nevertheless, it's clear that the application site would fit in with this spatial pattern and fill a gap in provision in this part of the city where there has been significant housing and employment growth over recent years.

Members did not refuse the previous application due to the proposed mix of uses, but were concerned specifically with the scale of the development, in particular the amount of A1 and A3 floorspace. Officers had acknowledged that the scale of the proposal did not fit in with the definition of a 'local centre' in the Core Strategy, but had weighed this in the 'planning balance' against the significant economic and social benefits of the scheme, and come to the conclusion that the application should be approved. The applicants continue to point out that notwithstanding other planning issues, this restriction does not apply to the other out-of-centre sites, resulting in a perverse situation where one of these sites could be approved in retail policy terms, but the application site cannot even though it is clearly the most sustainable in terms of access by non-car modes to/from the new residential community. The fact these other sites have been promoted for major retail development recently is a material consideration that arguably outweighs the policy conflict of the proposal not being a local centre, as per the definition in the Core Strategy.

Members should also consider that the Core Strategy was adopted in 2012. The NPPF states that policies in local plans should be reviewed to assess whether they need updating at least once every five years... and should take into account changing circumstances affecting the area (paragraph 33). Officers therefore consider that a more flexible approach is appropriate in meeting the needs of the new community, as a local centre that meets the Core Strategy definition has failed to be delivered and does not look likely to be delivered in the future. In terms of scale, the proposal probably sits somewhere between a local centre and district centre when considering the sizes of existing centres in the city.

Members will also recall that the Monkerton & Hill Barton Masterplan was approved for development management purposes for this area in 2010. This document envisioned a local centre and district centre within the strategic allocation area, but neither have materialised. This proposal could therefore be seen as helping to fulfil the masterplan vision of providing at least one mixed use centre for the allocation area. The recently published National Design Guide (MHCLG, October 2019) states that well-designed places have a mix of uses including local services and facilities to support daily life (p.34). If this proposal is turned down, there is a risk that no mixed use hub will be provided for the new community or the extensive business community in the area.

The above material considerations should be taken into account by Members when reassessing the proposal against Policies CP19 and CP8. In terms of the other key issues affecting the principle of the development, to recap, the proposal is considered to pass the sequential test, as the only sequentially preferable available site at the Bus and Coach Station (BCS) is not considered viable for retail development following developers pulling out of a scheme to redevelop it for retail and leisure purposes in 2017. The Council's retail consultant, Avison Young, calculated the impact of the proposal on the City Centre as 2-3% for both convenience and comparison goods, and the impact on St Thomas District Centre as 4-5% for convenience goods and 7% for comparison goods. These impacts are not considered significantly adverse and are lower than the impacts of the 2014 application, which the Secretary of State concluded were acceptable. Furthermore, the proposal will not have an impact on any investment projects in centres in the city. As a reminder, Avison Young carried out a cumulative impact assessment of the three applications that went to committee in July 2019, which concluded that only one of the proposed schemes should be permitted to avoid significant adverse impacts on Exeter City Centre and St Thomas District Centre. Officers continue to consider that the current proposal is the most sustainable, due to its wider mix of uses and better accessibility to the residential community by non-car modes. The cumulative impact assessment is attached.

East Devon District Council has raised concerns once again that the application has not considered Cranbrook Town Centre in either the sequential test or impact tests, and stated that the Cranbrook Plan Development Plan Document (CPDPD) carries more weight than

before because it was submitted to the Secretary of State for examination in August 2019. Cranbrook Town Centre was not considered before because the CPDPD is not adopted and does not form part of Exeter City Council's development plan in any case. It is therefore a material consideration for applications in Exeter, opposed to having the backing of policy. Whilst it has now been submitted for examination granting it some additional weight as a material consideration, the policy concerning Cranbrook Town Centre (CB22) has received objections meaning very little weight can be afforded to it. Officers therefore do not consider that the situation has materially changed since the last application was determined. Officers also consider that more weight should be given to meeting the needs of the residential and business communities in Exeter, as discussed above.

As discussed, officers consider that a more flexible approach should be taken to considering the proposals against Policies CP19 and CP8, however the significant economic and social benefits of the scheme are considered to outweigh this conflict in any case. The Secretary of State weighed the sustainability benefits of the 2014 application to see if they indicated the application should be approved against Policies CP19 and CP8. The SoS concluded they did not based on the proposed scheme having moderate economic benefits – reduced from significant due to the risk to the retail/leisure project on the BCS site at the time, moderate social benefits and limited harm environmentally. The current proposal is considered to have significant economic and social benefits, and limited harm environmentally, although the applicants are continuing to review how the latter can be improved. The economic benefits come in the form of jobs, business rates and CIL, while the social benefits come from the mix of uses that will be provided to meet the needs of the local community. These benefits should be considered in the context of the threat of online retailing to traditional forms of retail. For example, the jobs generated will range from part-time 'Saturday' jobs for young people to shop managers, compared to the 'warehouse' jobs generated by online distribution centres. The social benefits include the health benefits (physical and mental) of being able to walk or cycle somewhere to purchase goods, interacting with other people, versus ordering something online from home. Needless to say, the proposed gym (D2 use) offers health benefits too.

The same retail control conditions are recommended as the previous application. In terms of Unit A intended to be occupied by Next Home, the Next Home store that recently opened on the edge of Plymouth was consented with a condition permitting the sale of clothing, footwear and clothing fashion accessory goods from up to 40% of the net sales area, not 60%. The remainder of the net sale area is used for the sale of home furnishings, furniture, kitchen and bathroom fittings, lighting, DIY and decorating products, electrical items, garden goods and ancillary goods. A small ancillary café is also permitted. In the absence of any evidence confirming why 60% is necessary for the particular occupier, officers consider the same percentage restriction should be applied to the proposal.

In conclusion, the benefits of the proposal are considered to outweigh the conflict with Policies CP19 and, less specifically, CP8 of the Core Strategy for not fitting the definition of a local centre. Officers consider that a more flexible approach should be taken in assessing the proposal against these policies given the age of the Core Strategy and fact that a local centre meeting this definition has not been delivered and does not look likely to be delivered in the future. The proposal will provide a mixed-use hub for the area where there is clearly a gap in provision when comparing the spatial distribution of other centres in the city. This will help fulfil the vision of the masterplan and takes into account the guidance on good design in the recently published National Design Guide. If the proposal is turned down, there is a risk that no mixed use hub will be provided for the new community or business community in the area. The application site is also considered to be the most sustainable out of the three out-of-centre sites that were considered for major retail development at the July 2019 special planning committee.

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 Myrtlebury Way. This vehicle connection is intended to be bus/pedestrian/cycle only. 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 previously raised concerns over the management of the link, suggesting barriers or another means of control should be used to stop private vehicles using it as a rat-run. However, Stagecoach stated that physical barriers or bollards will not be acceptable. They advised it should be designed as a short section of bus lane in both directions with appropriate signage and CCTV. It will be blocked with a concrete barrier until such a time as a bus service requiring its implementation is inaugurated. Officers consider this link is fundamental to any development on the site and it should be secured in accordance with Stagecoach's comments prior to the occupation of the development by a suitably worded condition.

A condition should also be added securing the three pedestrian access points shown on the plans from Honiton Road prior to the occupation of the development. The Local Highway Authority has also strongly recommended securing provision of a pedestrian/cycle connection through the site from Honiton Road to the path to the north, or they will raise a formal objection. This was previously discussed with the applicants and should also be secured by condition to enhance sustainable travel.

The Local Highway Authority has no objections to the traffic generated by the proposal, subject to the following highway improvement works: 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. These works should be secured by condition/s278 agreement.

The Local Highway Authority has also recommended conditions for a comprehensive Framework Travel Plan and Construction Method Statement, including access arrangements and timings and management of arrivals and departures of vehicles.

3. Parking

The Parameters Plan shows a large car park on the site comprising 393 spaces, including 26 disabled and 12 parent and child. It states that 40 electric vehicle charging points will be provided. It also shows a cycle hire point adjacent to a public open space with seating. The application form states that 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, 1 space per 20 sq m for non-food retail and 1 space per 22 sq m for D2 uses. This means that approximately 607 car parking spaces should be provided if the maximum floorspace applied for and both foodstores shown on the plans are delivered, following the indicative standards in the SPD. As far as this raises concerns about potential over-spill parking on surrounding roads or in the Park & Ride car park, parking accumulation calculations were carried out for the previous proposal subject to application ref. 18/0076/OUT, which confirmed that a maximum of 167 spaces will be required during weekdays and 218 spaces on Saturdays. This shows that there is scope to reduce the amount of car parking on the site. As 'layout' is a reserved matter, this issue will be dealt with at reserved matters stage.

Stagecoach previously raised concerns regarding the implications for the Park & Ride site. It is therefore proposed to add a condition 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. 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). Conditions should be added securing these facilities in the development accordingly.

4. Impact on Air Quality

Officers considered that securing the sustainable travel connections discussed above, a Travel Plan, electric vehicle charging points and cycle parking that exceeds the minimum standards was sufficient air quality mitigation for the last application. However, Members were not satisfied with this.

Environmental Health objected to the application initially because the Air Quality Assessment was no longer robust and up-to-date. Based on an updated assessment submitted during the course of the application, Environmental Health consider the proposals will result in a 'moderate' adverse impact at two locations and a 'slight' adverse impact at a further three.

The applicants have put forward mitigation in the form of: the new bus link, toucan crossing on Honiton Road, 45 electric vehicle charging points (increased from 40 agreed on the last application) and provision of a location for Co-bikes to install its electric rental bikes. They also point out the sustainable location of the site in relation to neighbouring housing and businesses.

Environmental Health state that the mitigation is not quantified or costed, therefore cannot be matched against the quantum of the increased air pollution. However, in addition to the mitigation agreed on the last application, five more electric vehicle charging points are proposed, as well as a location for a Co-bikes facility. Therefore, they have removed their objection, subject to conditions securing these mitigation measures.

5. Impact on Amenity of Surroundings

Persimmon on behalf of the Hill Barton Consortium objected to application ref. 18/0076/OUT, due to the impact of the proposal on the amenity of the adjoining dwellings 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 north 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, if the layout remains the same, the maximum height of the building to the west

would have to be 10m and the maximum height of the building to the north would have to be 11m.

It was proposed to add a condition to deal with this issue for application ref. 18/0076/OUT, but the applicants suggested it was unnecessary as both layout and scale are reserved matters. This demonstrates that Members should not place too much stock in the submitted plans for this outline application. The physical relationship of the proposals to the dwellings to the north will be an important material consideration at the relevant reserved matters stage and will be fully assessed by officers at that stage.

A condition should be added to secure shadow path diagrams as part of the reserved matters to ensure there will be no adverse impact on the neighbouring residential properties from extensive and prolonged overshadowing.

The applicants have submitted a noise assessment, which takes into account the provision of a 3m high acoustic barrier along the north boundary that the applicants had understood would be provided by Persimmon. However, Persimmon consider the acoustic barrier must be provided by the developers, as the noise impact will be caused by the retail development. The assessment was undertaken for both daytime and night-time periods. It concludes 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. 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 of the development (details to be agreed with the LPA) and noise not exceeding 5dB above background noise levels to be demonstrated following first occupation and maintained thereafter. These 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 detailed landscaping scheme for the site to be conditioned. This will also help mitigate the visual impact of the development from the housing provided 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 Waste Audit Statement should also be conditioned in accordance with Devon County Council's SPD.

Details of external lighting should be conditioned, including isoline drawings of lighting levels and mitigation where necessary, to protect the amenity of the neighbouring residential properties and 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. They have also recommended a condition for a contaminated land investigation, as the site is in an area identified as being potentially contaminated.

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 west boundary with the railway line. These are indicated as either being retained or replaced, together with additional tree planting along the south boundary, on the Parameters Plan. There are also trees within the hedgerow to the north, although this hedgerow is on the neighbouring site. There is an opportunity to provide new tree planting as part of a landscaping/green infrastructure scheme for the site in accordance with Policies CP16, CP17, CP19 and DG1. 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.

An ecology report has not been submitted with the application, but a Preliminary Ecological Appraisal was submitted with application ref. 18/0076/OUT that concluded that the site has limited ecological value. The only features with some habitat value are the hedges, particularly the northern hedge, although this hedge is not within the site. The report recommends mitigation measures to protect and enhance biodiversity in accordance with the NPPF. 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 should be 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 proposed surface water drainage strategy incorporates 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, subject to the imposition of pre-commencement conditions securing the detailed design of the system and various technical details.

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. 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 appeal scheme, this should relate to the shell only.

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 2020 is £186.38 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 £1,912,445.18. 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 £1,512,445.18) 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 not considered necessary.

RECOMMENDATION

APPROVE 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 accordance with the plans listed below, unless modified by the other conditions of this consent including the approval of the reserved matters:

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

Reason: To ensure compliance with the approved drawings.

4. 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.

5. 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 and maintained at all times thereafter.

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

6. 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 45 electric charging points shall be provided for in accordance with the Moor Exchange Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019). The disabled parking spaces and electric charging points shall be provided in the development as approved prior to the occupation of the development and maintained at all times thereafter.

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, paragraph 110 of the NPPF, section 7.3 ('Mitigation') of the submitted Moor Exchange Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019) and Policy EN3 of the Exeter Local Plan First Review.

7. Co Bikes

The reserved matters details shall show the location of a Co Bikes facility on the site. The Co Bikes facility shall be implemented and made fully operational prior to the occupation of any unit on the site, and shall be maintained at all times thereafter.

Reason: To provide appropriate air quality mitigation in accordance with section 7.3 ('Mitigation') of the submitted Moor Exchange Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019) and Policy EN3 of the Exeter Local Plan First Review.

8. 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 11 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

9. Bus/Pedestrian/Cycle Link to North Boundary

Prior to the commencement of the development hereby permitted, a detailed plan of the bus/pedestrian/cycle access to the north boundary shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show the access designed as a short section of bus lane in both directions and also the location and design of appropriate signage and CCTV to ensure that it is used by buses, pedestrians and cyclists only. It shall also show the location of a temporary concrete barrier to prevent the access from being used by other vehicles until such time that a bus service requiring its implementation becomes operational. The plan shall be accompanied by details of the implementation of the access and the management and maintenance of the access, including responsibility for CCTV monitoring and enforcement, for the lifetime of the development. The bus/pedestrian/cycle access shall be constructed in accordance with the approved detailed plan prior to the occupation of the development and it shall be implemented, managed and maintained in accordance with the approved details at all times thereafter.

Reason: To provide a connection to the highway constructed on the adjoining site for sustainable travel in accordance with Policies CP16, CP17 and CP19 of the Core Strategy promoting a sustainable movement network, taking into account the advice of Stagecoach, and to prevent a severe impact on the local highway network and unsafe access through use by other vehicular traffic. These details are required pre-commencement as specified to ensure that an acceptable access and highway connection are designed for the site before the development is built.

10. Pedestrian/Cycle Connections

Prior to the commencement of the development hereby permitted, detailed plans, including sections to confirm gradients, of the three pedestrian and/or cycle connections to the south boundary and a pedestrian/cycle route from the south boundary to the north boundary at the point where the pedestrian/cycle link on the adjoining site meets the boundary shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle connections and route shall be constructed as approved prior to the occupation of the development and shall be kept free from obstruction, including at the boundary points, and maintained at all times thereafter.

Reason: To ensure the development provides a sustainable movement network with links to the surroundings in accordance with Policies CP16, CP17 and CP19 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and Section 9 of the NPPF. These details are required pre-commencement as specified to ensure that acceptable pedestrian and/or cycle connections are designed for the site before the development is built.

11. 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.

12. Contaminated Land

No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason:

13. Detailed Permanent Surface Water Drainage Scheme

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system 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. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Moor Exchange Honiton Road, Exeter Flood Risk Assessment Revision E (Ref. 23-20-18-1-6075/FRA, November 2019). The approved permanent surface water drainage management system shall be implemented prior to the occupation of the development.

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems. A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream. (Advice: Refer to Devon County Council's Sustainable Drainage Guidance.)

14. Programme of Percolation Tests

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible. This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

15. Groundwater Monitoring Programme

No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, 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 monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management. This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

16. Surface Water Drainage Management System (Construction)

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. These details are required pre-commencement as specified to ensure that surface water can be managed suitably without increasing flood risk or negatively affecting water quality downstream, or negatively impacting on surrounding areas and infrastructure. (Advice: Refer to Devon County Council's Sustainable Drainage Guidance.)

17. Exceedance Pathways and Overland Flow Routes

No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

18. Adoption and Maintenance Arrangements

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The permanent surface water drainage management system shall be adopted and maintained as approved.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

19. 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.

20. 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.

21. 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.

22. 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

23. 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.

24. 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

25. 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.

26. Acoustic Fence

Prior to the first occupation or use of the development hereby permitted, a fence shall be provided along the north 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. The design of the fence shall make provisions for the connections to be secured under conditions 9 and 10.

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

27. 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 soften the impact of the fence required by condition 26 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.

28. 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 including those shown on drawing number 2176-PHL-007 C ('S278 Works Honiton Road Widening and Proposed Bus Stops') and the movement forward of the stop line (and associated works such as the movement of the signal heads) on the Honiton Road westbound arm of the Fitzroy Road signalised junction. The works shall be implemented prior to the occupation/use of the development and maintained at all times thereafter.

Reason: To prevent a severe impact on the local highway network and to ensure that safe and suitable access is provided for vehicles in accordance with paragraph 108 of the NPPF.

29. 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.

30. 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.

31. 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.

32. Litter Management

Prior to the occupation of any of the A3 restaurant/drive-through units or A5 hot food takeaway 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.

33. Kitchen Ventilation

Prior to the occupation of any of the A3 restaurant/drive-through units or A5 hot food takeaway 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

34. 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.

35. Noise Levels

Notwithstanding condition 26 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.

36. Restriction on D2 Use

The Class D2 floorspace hereby permitted shall be used as a gym and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To control the use in the interests of the amenity of the area and development plan policies.

37. Restriction on Permitted Development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- Part 3, Class A – restaurants, cafes, or takeaways to retail
- Part 3, Class B – takeaways to restaurants and cafes
- Part 3, Class C – retail, betting office or pay day loan shop or casino to restaurant or café
- Part 3, Class D – shops to financial and professional
- Part 3, Class E – financial and professional or betting office or pay day loan shop to shops
- Part 3, Class F – betting offices or pay day loan shops to financial and professional
- Part 3, Class G – retail or betting office or pay day loan shop to mixed use
- Part 3, Class J – retail or betting office or pay day loan shop to assembly and leisure
- Part 3, Class JA – retail, takeaway, betting office, pay day loan shop, and launderette uses to offices
- Part 3, Class M – retail, takeaways and specified sui generis uses to dwellinghouses

Reason: To control the uses on the site in the interests of the amenity of the area and development plan policies, including maintaining a mix of uses to meet the aspiration of providing a local centre within the Monkerton/Hill Barton strategic allocation area in accordance with Policy CP19 of the Core Strategy, and ensuring acceptable access and traffic impacts in accordance with paragraph 108 of the NPPF.

Retail Controls

38. 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)	11,527
Maximum Floorspace (sq m GIA)	11,004

Use Class	Maximum (sq m GIA)
A1 (Shops)	8,659

A2 (Financial and professional services)	465
A3 (Restaurants and cafes, including drive-throughs)	1,021
A5 (Hot food takeaway)	116
D2 (Gym)	743

Reason: To define the terms of the permission.

39. Net Sales Area

The total net sales area of the retail (Class A1) floorspace hereby permitted shall not exceed 7,552 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 (including post office 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.

40. A1 Block ('Block A')

The reserved matters to be submitted pursuant to this planning permission for the A1 retail block to the west of the site ('Block A') shown on drawing number 15049_PL06 F ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 7,897 sq m (including mezzanine floors) limited as follows:

- a) A maximum of four separate retail units;
- b) A unit with a maximum floor area of 4,275 sq m (GIA) and a maximum net sales area of 3,329 sq m; no more than 40% of the net sales area of this unit shall be used for the display and sale of clothing, footwear and/or clothing fashion goods; the remainder of the net sales area shall be used for the sale of home furnishings, furniture, kitchen and bathroom fittings, lighting, DIY and decorating products, electrical items, garden goods and any other goods which are ancillary and directly related to the main goods permitted (the sales areas for such ancillary goods shall be no more than 5% of the total permitted net sales area);
- c) At least one unit of not less than 929 sq m (GIA) for predominantly convenience (food) 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, footwear and/or clothing fashion goods – no more than 60% of the net sales area of this unit shall be used for the display and sale of clothing, footwear and/or clothing fashion goods.

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

41. A1/A2/A5/D2 Block ('Block B')

The reserved matters to be submitted pursuant to this planning permission for the A1/A2/A5/D2 mixed use block to the north of the site ('Block B') shown on drawing number 15049_PL06 F ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 2,086 sq m (including mezzanine floors) limited as follows:

- a) A maximum of three separate A1 retail units of not less than 116 sq m (GIA) each, of which a maximum of one retail unit can be occupied by retailers whose operation is predominantly the sale of clothing, footwear and/or clothing fashion goods;

- b) At least one A2 unit;
- c) At least one A5 unit;
- d) At least one D2 (gym) unit.

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

42. A3 Uses

Uses within Class A3 (restaurants and cafes) shall be comprised in a maximum of three freestanding units as shown on drawing number 15049_PL06 F ('Proposed Site Parameters Plan').

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.

43. Chemist

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 530 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.

44. 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.

45. 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.

