

EXETER LOCAL PLAN 2021-2041

INDEPENDENT EXAMINATION

MATTER 2, ISSUE 4

RETAIL NEED – POLICIES RFC1 AND RFC2

**MOOR EXCHANGE HEARING NOTE PREPARED BY EXETER CITY COUNCIL
(EXM-06A)**

RESPONSE ON BEHALF OF

GROWEN ESTATES



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Date of Issue: June 2026

1. Introduction

- 1.1 This document responds to the post-Hearing note produced by Exeter City Council (ECC) in relation to the representations made on behalf of the promoters of the proposals for a hub of town centre facilities, for which there is an extant outline planning permission, on land to the north of Honiton Road and west of Fitzroy Road (hereinafter referred to as Moor Exchange (ME)).
- 1.2 In the Introduction to their note, ECC states that it has been produced in response to the Inspectors' request. The promoters, Growen Estates (GE), would respectfully contest the veracity of that statement. To be accurate, the genesis of the note was the suggestion of ECC's Counsel in response to the Inspectors' questions during the Hearing session regarding why the land should not be designated for the purposes of a town centre. Up to that point, ECC had failed to provide any targeted response either to GE's representations to the various iterations of the Plan, and previous Plans, advocating allocation of the site as a town centre to serve the identified need for a hub of facilities to deliver a sustainable new community at Monkerton and Hill Barton, as well as the wider, substantial existing business community of east Exeter, or through their Hearing Statement. This is notwithstanding that they would have been aware of the invitation to GE to attend the relevant session and the issue that they had raised.
- 1.3 GE first made representations promoting the allocation of land at ME for a town centre in February 2014. Those representations were in response to Regulation 18 consultation on the Development Delivery DPD. Since that time, GE has responded to every consultation document that has been published on the various emerging plans reiterating the case for allocation of land at ME as a town centre to serve the new and existing communities, in accordance with the strategy for a sustainable community set out in the Exeter Core Strategy and its strategic policies.
- 1.4 In the light of the above, GE would question why ECC has failed to consider their representations and to provide an appropriate response, initially through the response documents to the consultations on the various emerging Plans, and more recently, through their Hearing Statement to the Matter 2 session held on 4th March 2026. To now provide retrospective justification for their position following discussion on the matter at the Hearing

session, and to provide a detailed written response with the benefit of both having seen the representor's statement and heard the discussion, is potentially disadvantageous to the representors and contrary to the spirit of equity and fairness with which the inquisitorial examination of the Plan is intended to proceed.

- 1.5 The Inspectors are therefore respectfully requested to treat ECC's response with caution, particularly since it is not intended to convene a further Hearing session to examine the written evidence that the Council has now, finally, submitted, and at which the representor could respond further. It is respectfully submitted that a commentary on aspects of the discussion at the Hearing, and in particular the language used by the promoter (as distinct from his professional advisor), is neither helpful nor relevant. Examination Hearings are intended to be conducted as inquisitorial proceedings and not as a Court of Law, and ECC's note, in places, blurs the distinction.
- 1.6 In the light of the foregoing GE will make a limited response to the points raised by the Council, and which they do not consider to rebut the strong case for the allocation of ME as a town centre based on their own policies and evaluation of the application for which they granted planning permission, and which is compelling evidence that withstands scrutiny. To assist the Inspectors, the headings used by ECC in its note are adopted for the purpose of structuring this response.

2. Local Planning Policy

Exeter Local Plan First Review

- 2.1 The proposals for a significant expansion of the city centre retail offer on the Bus and Coach Station site, and which was a principal reason for ECC's resistance of the original application for ME, have failed to materialise. GE's case that was presented at the Public Inquiry into the original scheme for ME, that the substantially retail-led proposals for the Bus and Coach Station site were unviable and unlikely to be deliverable, have been confirmed with the effluxion of time. Parts of the site have now been released for other uses, including a new, standalone Bus Station and Swimming Pool.
- 2.2 Retail market circumstances are now much more challenging than at the time of both the adoption of the Exeter Local Plan First Review more than 20 years ago, and the time of the Public Inquiry into the first application for ME in 2015. Policy S1 therefore has little, if any, continuing relevance.

Exeter Core Strategy

- 2.3 As is clear from Policy CP8, retail facilities are central to, and indivisible from, the delivery of sustainable growth and responding to the needs of local communities, including those that are disadvantaged. To this end, local facilities are 'required' as part of the community provision at the urban extensions, including Monkerton and Hill Barton. As is evident from the reasoned justification, provision for those local facilities was to be examined through the Development Management DPD (subsequently rebadged as the 'Development Delivery' DPD), but which failed to progress to adoption. However, in the Regulation 18 Consultation Draft of the Development Delivery DPD, ECC proposed to allocate part of the ME site as a 'District / Local Centre'. A copy extract from the relevant draft Proposals Map Inset is included as Annex 1 to these submissions. *[Annex 1_Copy Extract Development Management DPD Proposals Map]*
- 2.4 It is therefore clear from the foregoing that, as at January 2014, the Council identified the ME site as a suitable location to provide the town centre required in accordance with Core Strategy Policies CP8 and CP19, and that the emerging policy was flexible in terms of its

designation as either a 'district' or 'local' centre, which is consistent with the provisions of the Monkerton and Hill Barton Masterplan Study that proposed both. It also confirms that ECC considered it appropriate at that time to designate 'proposed' town centres in addition to existing ones. GE would question why, through their note, ECC are now taking a contrary view and arguing that it would be inappropriate to do so.

Monkerton and Hill Barton Masterplan Study

- 2.5 ME is identified as the 'Sowton' character area in the Masterplan study. ECC states that it is identified for employment. However, that is not a complete picture since the designation is for employment 'with business community facilities'¹. The 'vision' for the character area states as follows:

*Some business community facilities such as a creche, small gym and local shop will provide a **centre**/focus to the area serving both the proposed development and the wider business community at Sowton Industrial Estate and Exeter Business Park....²*

Therefore, in addition to a district and a local centre, the Masterplan Study provided for a centre on the ME site to serve the established business community in the wider area of east Exeter in acknowledgement of the lack of such a hub of facilities. The demand and provision required to serve the business community was never assessed.

- 2.6 The local business district is substantial, and the businesses were vociferous in their support for facilities, representing tens of thousands of employees (and effectively households) who commute to this location, and who wish to meet their daily needs, including retail, social and active leisure, in conjunction with their daily work trips. As an example, the Met Office adjacent to the site employs circa 2,500 staff, and therefore comprises a single employer of representatives of more households than the entire residential allocation of Monkerton and Hill Barton for which local and district centres were identified to serve their daily needs. A summary of representations from some of the key local employers, which was prepared for the purposes of the original outline planning application for Moor Exchange, is included at Annex 2 to these submissions. *[Annex 2_Summary of Key Employer Representations in Support of Original ME Application]*

¹ EXM-06c, p.50, Figure 5.5

² Ibid, p.49, emphasis added

- 2.7 The proposals for the ME site that have now been approved therefore combine the intended (district and local) centres for the new community with the intended, separate centre to serve the established business community. They therefore perform a dual role to serve the new community of Monkerton and Hill Barton as well as the very substantial established business community of east Exeter for which the Masterplan also sought to provide.
- 2.8 The delivery of disparate retail facilities has not provided the ‘hub’ of facilities that was clearly envisaged and required by the policy provisions, and which is essential to provide a focal point and heart to the new and existing communities. The permitted proposals for ME rectify that deficit and provide the town centre in accordance with the strategic requirements.
- 2.9 It is noted that the additional documents that have been uploaded to the Examination web site since the hearing session do not include the most up-to-date, composite decision notice for ME. A copy of the latter is included at Annex 2 to these submissions. [\[Annex 3_Composite Decision Notice\]](#) As is clear from that decision notice, and Condition 38 in particular, the planning permission incorporates a range of town centre uses within Class E, and which can include health provision if an operator materialises. It therefore provides for a hub of town centre uses for the local community as contemplated by the policy provisions, and which will not be delivered by any of the disparate planning permissions to which ECC refers in its note.

The Exeter Plan

- 2.10 This section pinpoints the essence of GE’s objection in that the Plan has failed to follow through on strategic priorities to deliver sustainable new communities by allocating suitable land to accommodate the essential supporting community infrastructure. The fact that the previous plan failed to safeguard the land to deliver the centres identified in the masterplan accounts, in part, for their failure to come forward, and in the case of the Pilton Centre, its release for other uses. Moreover, any obligation on the developers of the Hill Barton part of the residential scheme to deliver the local centre lapsed many years ago upon expiry of a time-limited condition.
- 2.11 The current plan does not identify any planned centres, and is simply ‘reactive’ in designating existing centres. That is not a ‘plan-led’ approach. To deliver the supporting community infrastructure that it acknowledges is essential to provide the cement for

sustainable communities, the Plan should designate proposed centres to deliver its sustainable strategy. That has never been more necessary than in the face of the current, extremely challenging, retail market circumstances, to provide developer and investor confidence to deliver the facilities that are acknowledged to be necessary. This was explained to the Inspectors by the promoter at the Hearing session.

- 2.12 ECC rejects the promoter's submissions on the basis that it is an out-of-centre development. However, by following its 'reactive', rather a than 'proactive', plan-led approach, it is inevitable that the genesis of any future centres to meet community needs will be as out-of-centre developments. In the context of extremely challenging market conditions, that poses a real and serious threat to the delivery of the community infrastructure that ECC acknowledges to be integral to delivering sustainable communities. It is only through the resilience and tenacity of the promoter / landowner of ME that the final opportunity to deliver the much needed hub of local facilities, for both the future residential and existing business communities, remains alive. However, assistance is now required to facilitate investment in its delivery through designation as a town centre.

Definition of Centres

- 2.13 As with all written definitions, they are neither exclusive nor binary and a pragmatic approach is properly taken to the assessment of proposals against them having regard to the circumstances of the case, and which has regard to how they might function. That is the proper approach that was taken by the Planning Officer in advising the Planning Committee that a more flexible approach to meeting the needs of the new community was necessary since a local centre that meets the Core Strategy definition had failed to materialise, and the proposals for Moor Exchange sat between a local centre and district centre³. In resolving that planning permission should be granted, ECC therefore accepted that position. GE would therefore question the authority for the position set out in the note that appears to seek to resile from ECC's resolved, and corporate, position in relation to the consented proposals.
- 2.14 Notwithstanding, and without prejudice to, the foregoing, the consented scheme incorporates a group of shops including a foodstore and a range of other services and facilities. As such, it does not conflict with the definition. The promoters continue to be in discussions with

³ See GE;s Matter 2 Hearing Statement, para. 2.10

operators that, between them, would offer facilities such as food and other convenience goods, pharmacy, opticians, gym, fashion, homeware / furniture, medical / health, fast food restaurant, sports and coffee. The proposals are to be comprised in a contemporary, lower order, suburban centre to serve existing and expanding communities in a location that is already highly accessible, with well established infrastructure that provides realistic opportunities to travel by active and sustainable modes. Comparisons with existing, long established district centres are unrealistic and unhelpful.

- 2.15 The comparison with existing district centres is not determinative since it reflects the reactive and inflexible approach by ECC that looks backwards at existing centres rather than forwards to future requirements and contemporary means of provision. The determinative factor is whether a proposal would function as a town centre, and that was accepted by ECC in granting planning permission for ME. There is no evidence before the Examination of the authority for those representing ECC at the Examination to resile from that position. That is particularly so since they have failed to provide a response to GE's representations in any response document that may have been reported to Members for consideration.

3. Evidence Review

Retail Study Update

- 3.1 The relevance and assistance of this section is not understood given that ME is an existing commitment. It will therefore have been factored into the capacity assessments as existing floorspace. Indeed, that appears to be accepted by ECC at para. 3.4 of their note.

City Centre, Primary Shopping Area and District and Local Centre Review

- 3.2 This simply reflects the Council's approach which is backward-looking at existing centres rather than forward-looking to the need for plan-led provision.
- 3.3 Since, for the purposes of plan-making, ME has been branded as an out-of-centre retail park, it has been excluded from proper assessment on the basis of definitions rather than its actual role and function. The need for ME is that it provides the cement for the sustainable community to which the Core Strategy aspires for the urban extensions through the intended delivery of associated town centres as essential ingredients.

4. Moor Exchange as an Out of Centre Retail Park

- 4.1 This section is considered to be pathological in terms of the failure to properly construe and assess the merits of ME grounded its role and function rather than some arbitrary pre-conception based on its physical form and appearance. ECC appears to be adhering to an 'ivory tower' view of what constitutes a town centre based on historic precedent, rather than what contemporary developers of bricks and mortar schemes are able to deliver.
- 4.2 The locational characteristics are almost identical to the existing district centres, as again is acknowledged by the Planning Officer in his report relating to the application. In particular, he discerned a 'clear pattern' in the distribution of existing district and local centres in that they are generally located 'along the arterial routes leading to/from the city centre'⁴. There is no objective analysis to support the contradictory view that appears to be taken in the note, and once again, GE would question the authority for departing from this position that was accepted by the Planning Committee.
- 4.3 Its proximity to the eastern edge of Exeter close to employment areas reflect its intended purpose to serve both the existing and future communities in that location which are currently poorly served by a hub of facilities. Again, this was acknowledged in the Officer's report to the Planning Committee whose advice was that the application would 'fit in' with the existing spatial pattern of centres, and 'fill a gap in provision in this part of the city where there has been significant housing and employment growth over recent years'.
- 4.4 It is evident from the note that ECC has little conception of the form and layout of a modern town centre to serve a new urban extension, which is probably a reflection of the fact that, notwithstanding the strategic objectives and policy requirements, none have been delivered. In consequence, there are no precedents to be found in Exeter, but equally there are no precedents for new town centres constructed in a traditional idiom.
- 4.5 However, precedents can be found elsewhere. For example, in South Gloucestershire which has accommodated much of the growth of the urban area of Bristol during recent years. Two of the most substantial urban extensions are Bradley Stoke to the north of Bristol and Emersons Green to the north-east. Both have delivered hubs of local facilities which are

⁴ Ibid

designated town centres in the South Gloucestershire Core Strategy, and which reflect the form and layout of ME. The link below provides details of The Willowbrook Centre, which is the town centre for Bradley Stoke, and the Emersons Green Retail Park is the town centre for Emersons Green, which has a similar form, layout and tenant mix:

<https://willowbrookshopping.co.uk/centre-plan/>

- 4.6 Both are designated as ‘town centres’ under Policy CS14 (Town Centres and Retail) of the South Gloucestershire Core Strategy (adopted December 2013) having regard, not to their form and layout, but to the role and function that they perform.
- 4.7 This is notwithstanding the Emersons Green town centre being branded as a ‘retail park’, which endorses the conclusion that it is role and function rather than form and layout that is the determining factor, and that a retail park by description can function as a town centre.
- 4.8 The other developments cited by the Council as out-of-centre retail parks again is not determinative. None of those developments originated as part of comprehensive urban extensions intended to be served by a hub of facilities to cement their sustainability. ECC has not provided any evidence to suggest how those examples function, but if they perform a similar role to that intended by ME, and accepted by the Planning Committee that it would, then there is no reason why they should not also be designated as town centres. The fact they have not been simply reflects ECC’s backward-looking approach and assumption that to perform as a town centre a development must reflect the form and appearance of the existing district centres.
- 4.9 It is germane that Exe Bridges, which was permitted as a Retail Park, is now part of the designated St Thomas District Centre. This indicates ECC’s acceptance that a hub of town centre uses, that might be of a form and layout that is characteristic of a retail park, can, and does, function as a town centre.
- 4.10 The reference to ME serving the wider area of east Exeter was to it serving the wider substantial established business community in the vicinity of the site which has no dedicated hub of facilities because of the strict controls exercised over out-of-centre retail developments in Exeter. The clear and unequivocal message from a very substantial number of employers and employees alike who supported the ME proposals, was that this is a very substantial weakness of east Exeter as a business location, and one that needs to be

rectified. That is endorsed in both the Monkerton and Hill Barton Masterplan Study and the Officer's report on ME to the Planning Committee.

- 4.11 It is entirely appropriate for a Local Plan to designate land for a town centre which is a strategic requirement in order to deliver a sustainable urban extension. Indeed, that is exactly what was proposed in the emerging Development Management DPD until further work on its preparation was terminated. Moreover, that is an essential purpose of the impact and sequential tests that are enshrined in national policy, to protect existing and intended investment in town centres. The lesson from the development of the Monkerton and Hill Barton urban extension to date is that, unless specific sites are identified and afforded policy protection, then they will not be delivered and will be released for other purposes.
- 4.12 ECC is only aware of competition for alternative sites that materialise through the planning process. GE is in the market for securing tenants to enable ME to proceed, and can affirm that there are other less sustainable opportunistic sites being touted for out-of-centre retail development whilst no centre has been allocated, which are currently no less favourable planning prospects than ME since the latter is not sequentially preferable in policy terms. Going forward with no centre designated, other promoters of other sites will continue to consider this angle for retail advantage. This creates uncertainty in the market, and therefore tenant commitment, and increases the risks to the very substantial investment that will be required in its delivery under extremely challenging market conditions. This can impact on delivery.
- 4.13 Whilst funding retail schemes, such as ME, is challenging, GE has great confidence in the retailers that have now committed to it. However, there is a real risk that, without designation as a 'town centre', opportunities will exist for other sites to fulfil the requirement without any consideration for the ME investment. If ME were to be designated as a town centre, the outworking of planning policy would, in fact, enhance ECC's ability to exercise control over future out-of-centre developments elsewhere in the vicinity.

5. Application History

5.1 The only element of the planning history that is of direct relevance to the matter before the current Inspectors is the extant outline planning permission for town centre facilities on the site⁵, and which superseded the basis on which any of the earlier applications may have been refused.

5.2 However, a significant omission from the Council's analysis is that one of the two key reasons why the Secretary of State dismissed the Appeal related to its failure to satisfy the sequential test due to it being concluded that the Bus and Coach Station site was sequentially preferable, suitable and available. As adduced earlier in this response, the effluxion of time has confirmed to the contrary. This was endorsed in the Officer's report to Committee in which the advice to Members was as follows:

... 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 2017.⁶

5.3 The only other ground contributing to the Secretary of State's dismissal of the Appeal was the alleged conflict with the Development Plan, and in particular that it would go well beyond any reasonable interpretation of a local centre⁷. However, for reasons set out in GE's hearing statement, that reason was superseded by the acknowledged need for a more flexible approach in order to meet the needs of the new community⁸.

5.4 It is interesting to note that the Council accepts there to be clear similarities between the Appeal proposal parameters plan and those that were subsequently approved under the outline planning permission, including in terms of the amount of floorspace. This being the case, then it follows that the consented scheme goes well beyond any reasonable interpretation of a local centre (as held by the Secretary of State), and which endorses the position of the case officer in advising members that the consented proposals probably sit

⁵ Planning permission ref. 19/1461/OUT

⁶ Exeter Planning Committee Agenda, 6 January 2020, p.27

⁷ Appeal ref. APP/Y/1110/W/15/3005333, para. 15

⁸ GE Hearing Statement, para. 2.10

somewhere between a local and district centre⁹. Importantly, none of the schemes has been found by the Inspector, the Secretary of State, or ECC to cause unacceptable harm to the vitality and viability of existing centres.

- 5.5 The issue of the proposals exceeding the definition of a local centre has therefore been considered and accepted. The imperative to deliver the local facilities that provide the glue in the delivery of a sustainable new community has been acknowledged to supersede the Development Plan provisions. Given the acceptance that the proposals exceed the definition of a local centre, then it is counter-intuitive to argue against their designation as a district centre.
- 5.6 GE does not understand ECC's position that the designation of the site as a district centre will fetter their ability to manage the town centre offer on the site. Designation will not erase the existing restrictions of planning permission, which will require applications under S73 of the Act to amend or remove. Through that process ECC will maintain full control over uses on the site and its impact on alternative centres. The situation is similar to the Exe Bridges Retail Park that now forms part of the designated St Thomas District Centre, where S73 applications have been necessary to alter conditions of the extant planning permissions.
- 5.7 The grant of outline planning permission in January 2020 was at a time when Covid-19 was beginning to spread exponentially across the world, with the first UK lockdown following shortly afterwards in March 2020. That was the first in a series of world economic 'shocks' that created volatility and uncertainty in retail markets, and which have compounded the impacts of the exponential rise in online sales. The war in Ukraine, and subsequent cost of living crisis, has continued to affect business confidence as consumer finances have been placed under increasing stress.
- 5.8 Those uncertainties impacted on the willingness of occupiers to commit to taking floorspace in new developments, and therefore the ability to progress the reserved matters. Nevertheless, an application for approval of the reserved matters was made in time, but the continuing economic uncertainties have necessitated subsequent adjustments to the details in the interim period, together with consequential amendments to the terms of the outline permission, all of which have been of a 'non-material' nature.

⁹ Ibid

- 5.9 In December 2025, GE were satisfied that they had achieved a viable and deliverable scheme, and understood that they had resolved all outstanding design issues relating to the reserved matters application, as is evident from the details on the application web page. It was agreed with the case officer that it would be reported to a Delegated Briefing meeting to confirm that the Officer was at liberty to determine the application under delegated powers. However, for various reasons, including the workload of the case officer and some further, eleventh hour issues raised by the urban design officer, the application was not reported to a Delegated Briefing meeting until 24th February 2026.
- 5.10 The resolution of the Delegated Briefing meeting was that the application would be referred to the Planning Committee for determination. The justification given for the application being referred to Committee was that, since the outline application was a Committee decision, the reserved matters should also be considered by the Committee. Since the time of that meeting, which followed shortly after GE had submitted their Hearing Statement in relation to Matter 2, and which is understood to have prompted discussions between the Planning Policy and Development Management Teams, communication with Development Management Officers regarding the application has been limited, notwithstanding persistent requests by GE for updates, and for a meeting to discuss the additional matters raised following that meeting.
- 5.11 GE has been advised that consideration is being given by the ECC Development Management Team as to whether to raise their case to the Examination that ME be allocated as a town centre with the Planning Committee when considering the reserved matters. However, GE fails to understand the relevance to, or connection with, the reserved matters, and therefore the motive for doing so. Moreover, as outlined in Section 1 above, GE's position in this respect has been known and consistent since 2014, through both its representations to successive iterations of the Local Plan, and the various planning applications for ME. The only change would appear to be that ECC has now been forced to address the matter rather than ignore it. ECC's agenda in this respect is therefore unclear.
- 5.12 Following the Delegated Briefing meeting, and notwithstanding the agreement on the scheme reached in December 2025, further design issues have been raised. The issue relating to the hedge along the northern boundary of site was a new one, notwithstanding that no issue was taken with it at outline stage and there is an extant condition of outline planning permission requiring a visual and acoustic fence to be constructed along that

boundary with the recently developed residential properties to the north which is intended to deal with any residential amenity issues¹⁰. Moreover, none of the residents of the adjacent residential properties have raised any concerns regarding the visual impact of the proposals on their outlook, and therefore the genesis and veracity of this issue and, indeed, the public interest in it, is unclear. Nevertheless, GE has responded promptly to this matter and presented details, supported by expert arboricultural and ecological assessment, to demonstrate how it can be retained and enhanced, and co-exist with the required visual and acoustic screen fence.

- 5.13 As far as GE are concerned, more than three years following its submission, the reserved matters application remains ready for determination. They have responded positively and fully to the late design issues raised by the ECC, and have not been advised that anything further is required.
- 5.14 The ME proposals represent in excess of £40 million of investment in Exeter, and will also deliver several hundred jobs, and provide facilities for thousands of persons living and working locally to meet their daily needs within walking distance. They will also make a very substantial CIL payment to ECC. The economic and sustainability benefits are therefore very substantial, and must be carefully and properly balanced against design matters raised by an individual officer that are extremely subjective in nature. GE have worked diligently with the case officer to resolve a scheme that achieves ECC's design aspirations whilst meeting commercial imperatives under extremely challenging market circumstances. In GE's view, the economic benefits, taken in conjunction with the 'cement' that the proposals represent in achieving a sustainable community in east Exeter, are overwhelming.
- 5.15 ECC has accepted that circumstances have changed and moved on since the Secretary of State's decision in June 2016. The justification for ME is clearly set out in the Officer's report to Committee, and it was on that basis that planning permission was granted. ME is clearly, and unequivocally, the missing town centre that is the cement to a sustainable community on the east side of Exeter.

¹⁰ Condition 26

6. Conclusion

- 6.1 The key issue here is whether ME should be designated as a town centre to reflect its intended role and function, and the basis on which it was approved. There is no dispute that the consented scheme is more than a local centre.
- 6.2 The adopted Masterplan provided for both a district and local centre at Monkerton and Hill Barton. Neither has materialised despite the fact that the urban extension is substantially complete. Part of the ME site was designated as a local / district centre in the emerging Development Delivery DPD, but which failed to progress to adoption.
- 6.3 The Retail Study Update identifies ME as a commitment, and the forward retail floorspace requirements have been computed accordingly.
- 6.4 The Local and District Centres Review simply assesses existing, traditional centres. It does not consider the form and complexion of contemporary provision.
- 6.5 The glossary definition is not exclusive. In any event, the consented proposals for ME provide for at least one foodstore and a range of other non-retail facilities (including active leisure and restaurants) for the public. *Ipsa facto*, they are in broad alignment with the definition.
- 6.6 ME shares the locational characteristics of the existing district centres in terms of its relationship to an arterial route into the city. GE are not aware of any definition of a retail park that characterises it as having 'strategic access'. Exeter has expanded significantly to the east towards the M5 during recent years, but such expansion has not been accompanied by the planned provision of a hub of town centre facilities. The city has now reached a size where it can, and should, provide for a range of new suburban town centres to deliver sustainable new communities, as is accepted in the strategic provisions of the Core Strategy which expects the new communities at Monkerton and Hill Barton and Newcourt to be accompanied by local facilities, that is, facilities local to those new communities. That is exactly what ME is intended to provide, and was accepted by the Council in granting planning permission for them. The size, extent and composition of the local 'need' and how it should be met, has not at any stage been properly or realistically assessed through any of

the emerging Development Plan Documents since the adoption of the Core Strategy, and that remains the case through the current plan.

- 6.7 ECC does not provide any evidence to substantiate its contention that the composition of ME is 'demonstrably characteristic' of an out of centre retail park. In any event, the key issue is whether it will function as the intended town centre to deliver the sustainable community in east Exeter, and which ECC accepted in granting planning permission for the proposals.
- 6.8 ECC has not provided any evidence to confirm that the other retail parks were intended to serve the same function. Moreover, in approving the proposals for ME, ECC was content that it would function as the town centre to provide the local facilities for the new and existing communities on the east side of Exeter that it has acknowledged to be necessary.
- 6.9 A tenant mix for the emerging scheme has been secured within the parameters defined by the outline planning permission and its conditions. Designation as a town centre will not change the scope or limitations of the planning permission. Moreover, should any future material changes to that permission be sought, they will require planning permission from ECC and be subject to the test of impact on the city centre.
- 6.10 Designation as a town centre is sought to provide the essential investor confidence in the scheme. That is a central reason for the protection given to established centres to ensure continued investment in their upkeep and renewal, and is no less important for the delivery of new town centres that will provide the local facilities that are acknowledged to be necessary to provide the cement for sustainable local communities.
- 6.11 GE categorically rejects ECC's contention that designation of ME as a district centre would result in open retail on the site that would undermine the vitality and viability of existing centres. The existing conditions and limitations of the planning permission, that ECC clearly concluded would avert harm and ensure that the development performs its intended role as a local town centre, would remain in place. Applications under S73 of the Act will be required to vary and/or remove them, and through which impacts on established centres can be properly considered. That is exactly the situation with Exe Bridges Retail Park, where there has been a recent application to vary a condition that restricted the scope of the retail provision, and which was subject to scrutiny for its impacts on other centres. It is neither clear, nor explained, by ECC why a consistent approach is not being taken in relation to ME. Given the existing controls, this is not a justifiable reason not to support sustainable growth

via an appropriately designated centre to serve the clear needs of existing communities, and which ECC has accepted are properly met through new town centres.

- 6.12 Having identified the need for a new town centre to serve the new community at Monkerton and Hill Barton, as well as the substantial existing business community on the east side of Exeter, the plan should be making provision accordingly. The Development Delivery DPD was heading in that direction, until it was discontinued. It is entirely appropriate for the plan to designate land for the town centre that is an essential ingredient to sustainability, and to seek to direct investment to a location where it will deliver on that strategic imperative. ME is the last chance to provide the essential community infrastructure that will cement sustainable growth on the east side of Exeter, and needs the policy protection to secure the investor confidence to deliver it just as an established centre requires such protection to maintain continued investor confidence in its upkeep. There is no difference between the purposes of designation of an existing or a proposed town centre in this respect.
- 6.13 For all of the foregoing reasons GE is baffled by the resistance of ECC to designating ME as a town centre to meet the needs that they have identified for such community infrastructure in east Exeter in order to deliver sustainable residential and business communities. GE has reached out the Policy Team to discuss the matter, but no response has been received to their offers to do so.
- 6.14 GE therefore respectfully reaffirms their submission that the Plan is currently unsound since it fails to identify and designate land that is required to provide the town centres that are essential ingredients to delivering sustainable communities on the east side of Exeter. In particular, the land at Moor Exchange which benefits from an extant planning permission to deliver the hub of facilities associated with the Monkerton and Hill Barton urban extension as well as the existing business community in the Sowton area, should be designated as a town centre.

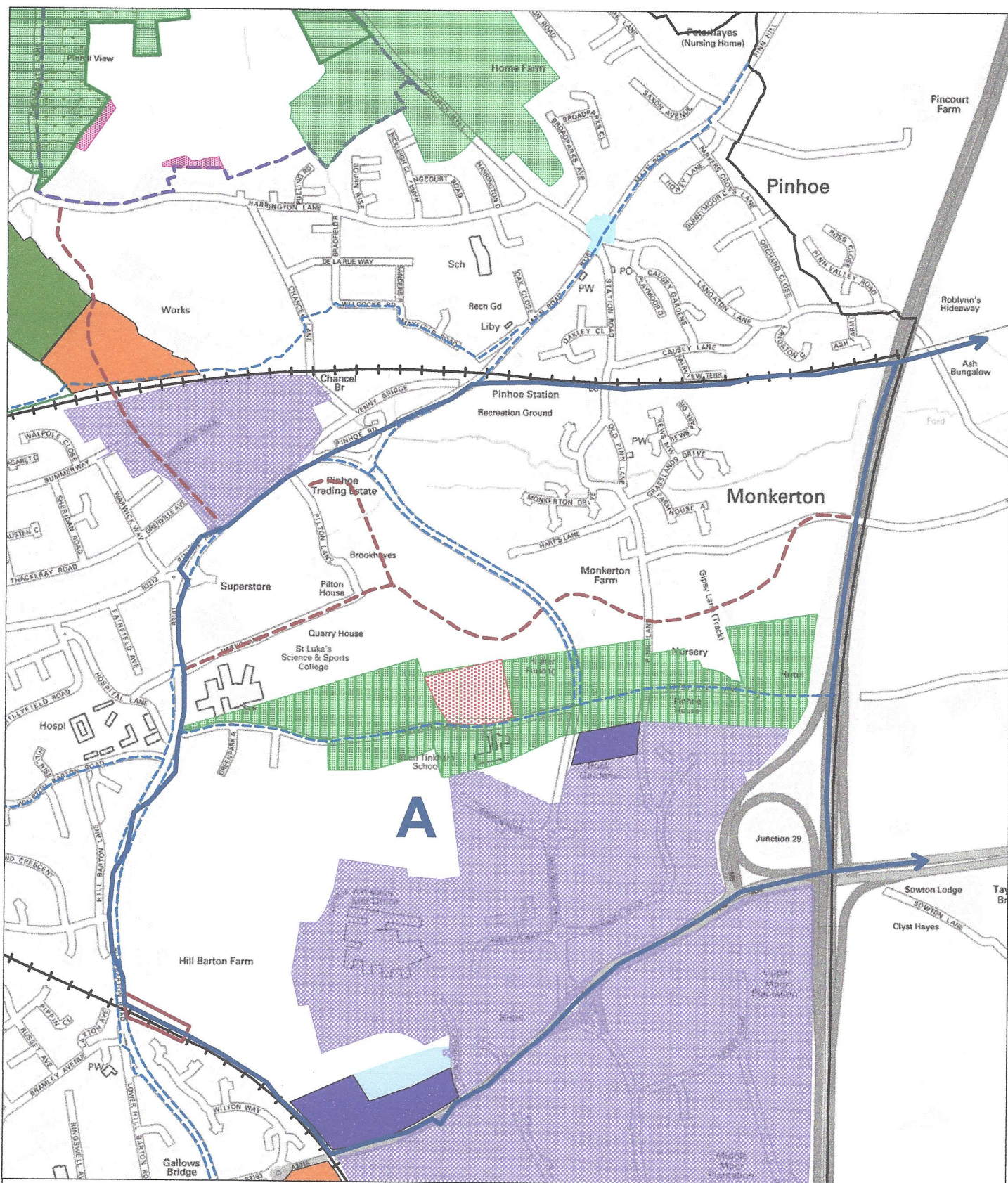
List of Annexes

- 1 Copy Extract Development Management DPD Proposals Map
- 2 Summary of Key Employer Representations in Support of Original ME Application
- 3 Composite Decision Notice



Annex 1

Copy Extract Development Management DPD Proposals Map



EXETER CITY COUNCIL

This map should be read with the Written Statement

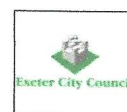
EXETER LOCAL PLAN REVIEW

- | | | | |
|------------------------------------|----------------------------|---|--------------------------------------|
| Employment Sites | Local Energy Networks | Inner City Boundary | Schools |
| Housing Sites | Rail Network | Biodiversity Enhancement Area | Sites of Special Scientific Interest |
| Sports Stadia | County Wildlife Sites | District and Local Centres | SPA Ramsar |
| Primary Shopping area | Retained Employment Sites | Land and routes Safeguarded for the provision of transport infrastructure | Bus and Coach Station |
| Secondary Shopping area | Mineral Consultation Area | RIGS | Landscape Setting |
| Key local cycle & pedestrian links | Conservation Areas | DCC Primary Cycle Network | |
| City Centre Boundary | Historic Parks and Gardens | Regeneration Areas | |
| Open Space | St James Neighbourhood | Valley Parks | |

City Development, Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1NN

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11/12/13



Annex 2

Summary of Key Employer Representations in Support of Original ME Application

Extracts from letters of Support received expressing the views of the Business Community

Bishop Fleming – letter of support 27th November 2014

“We have written now twice in support of your scheme as I know have many other significant employers on the business parks here, so I am disappointed to hear this news (refusal). A number of my colleagues have also expressed their own disappointment to me having seen today's paper. The fact is that, as far as those colleagues are concerned, there is a lack of facilities in this area and they are simply unable to get to the city centre because of the time it takes to do so.

In terms of impact on the city – I am not aware that anybody has surveyed our staff. Were they to do so they would find that the majority of our staff live outside of the city with an average commuting time to work of half to three-quarters of an hour. Hence many live closer to other major retail centres, particularly to the north and south. That majority do not venture into the city centre during the working week because of the time and difficulty of doing so. Logic therefore suggests that these people would bring additional spend into the city that is currently being spent elsewhere.”

Michelmores – letter of support 25th November 2014

“Time pressures of the working day have meant that we can no longer offer our staff the benefit of the lunchtime minibus service into the city centre. We found that staff could not afford to take two hours out of their working day to travel into the city centre at lunchtime and so demand for this service ceased. Nor do our employees have the opportunity to journey into the city centre after work when a significant number travel home to destinations across the county.

We therefore support development that will support a much needed hub of facilities for business community in East of Exeter. This no doubt will also have major economic benefits for the city and strengthen the area for attracting investing investment. “

Fidelius – letter of support 19th November 2014

“Currently staff have no option but to shop near their home address (as the drive into central Exeter is problematic) but with greater facilities close at hand there could be a significant change to shopping habits. Further, we believe that a mixed use scheme on this side of Exeter can only help with the issues of congestion within the city itself.”

South Western Ambulance Service – letter of support 14th November 2014

“Moor Exchange will make this employment location more attractive to our staff where currently there is very limited provision of useful daily retail and leisure facilities within our locality. We welcome any scheme that delivers facilities such as gym, opticians, restaurants, cycle store, fashion, pharmacy, bank, phone shop and café to provide for our staffs daily needs at lunchtime and outside of their working hours. With the time pressures of the working day our staff are not able to travel into the city centre and back at lunchtime, or indeed after work when most travel home to destinations across the south west. Also, many of our staff work shift hours where this type of facility would undoubtedly be of benefit.

We look forward to supporting a development that will deliver a much needed hub of facilities for the business community.”

Exeter Science Park – Letter of Support 1st Sept 2014

“There is a café planned in the Science Park centre for the use by park tenants which is due to be completed in spring 2015, however aside from this there will be no further amenities on site, although it is envisaged that future housing development to the east of the science park will

include newsagents and similar small retail outlets. The Moor Exchange development could offer valuable additional services for the employees at the park, such as gym, crèche, pharmacy, opticians, fashion, restaurants, bank and an up market food store which are not currently available in the close vicinity."

Landmark – Letter of Support 30th October 2014

"The new development will provide welcome and necessary retail facilities for our staff who currently rely on trips to the supermarket to fulfil their shopping requirement or worst case scenario, a drive into the centre of Exeter. The latter being fraught with the usual problems of where to park, parking expenditure in addition to the time element of driving in and out of the city.

By providing Sowton with this new development with its planned mix of retail, services and health outlets, our staff will be able to walk to the centre, thus providing exercise, and improving the environment by not driving their cars. In addition, one must also consider the creation of jobs which will only serve to enhance the wider economy of Exeter"

EDF ENERGY – Letter of Support 24th September 2014

"I write on behalf of EDF Energy to express our support for the proposed District Centre off Honiton Road. EDF Energy is a long standing business in the area and we would welcome such a scheme that will offer an extensive centre for retail and leisure facilities for our staff during lunch times and after work. This type of scheme will not only support our staff but those of employers and employees across Exeter Business Parks and Sowton, this in turn will also provide jobs within the area which can only be beneficial for the local area"

Blur Group – Letter of Support 20th October 2014

"Having relocated from London and committed to the Science Park as a home for the business, we fully endorse the comments made by the Directors of the Science Park, in their letter of Support for Moor Exchange dated 1st Sept 2014. As a business, we continue to expand and place great importance on the proximity of high quality facilities, both retail and leisure, to make this employment location more competitive. By doing so it will allow us to continue to attract the high calibre staff required to grow our business. At present we have no suitable facilities within our locality. We welcome the delivery of the café on the science Park in Spring 2015, however, our staff expect access to a wider range of facilities as proposed by Moor Exchange. Operators delivering fashion and home ware, gym, opticians, restaurants, cycle shop/repairs, pharmacy, bank and newsagents can provide for our staff's daily needs at lunchtime and after work. With the time pressures of the working day our staff are not able to travel into the city centre and back at lunchtime. This is not feasible and we assume this must be relevant for all businesses and staff in the local area."

Exeter Family Friendly – letter of support 24th September 2014

"Exeter Family Friendly currently employs 140 staff at our office on Emperor Way, Exeter Business Park. Although we are located well for access to our site in relation to the motorway and bus routes we do however lack in "things to do" in the lunch breaks.

Unfortunately the Sowton Industrial Estate and Exeter Business Park location have few everyday amenities available and this can prove an influencing factor when attracting potential employees as well as having a positive impact on our current workforce's wellbeing.

The proposed development which I am led to believe has a planned mix of retail, service and health outlets will fill a void in the area. It is not always feasible for our employees to get into the city centre or other nearby retail places due to time, travel restrictions, but Moor Exchange will be within easy walking distance of the office and provide many of the services which are useful in everyday life. "

South West Communication Group – letter of support 20th August 2014

“A balance of fashion, bank, home store, opticians, newsagents, sports, gym, crèche, restaurants and café facilities satisfies most peoples needs within easy walking distance. It is not agreeable that our staff have to be reliant upon a supermarket to act as a centre and destination for daily needs unless they are willing to drive from their workplace. There is a need for a quality focal destination to bind the business community together. We have concerns that a minimal “local centre” will not deliver what the area needs in terms of the range of uses and facilities, nor reflect what is really required by employers and employees of Sowton, Exeter Business Park and East Exeter area and so this proposal addresses our concerns.

This is a high quality business destination and we trust Exeter City Council to provide for this sort of positive investment in the area, which in turns helps support our business and staff.”

Midas – letter of support 3rd November 2014

“The time pressures of the working day often prevent our staff travelling into the city centre at lunchtime, or indeed after work when most travel home to destinations across the county. At present Tescos and Rydons Retail Park does not fulfil our staff expectations and needs thus we welcome any scheme that delivers such uses as budget gym, opticians, restaurants, cycle store, fashion, pharmacy, bank, phone shop and café which provides facilities for our staff.”

EMCAS – letter of support 17th September 2014

“I am writing on behalf of EMCAS and our 190 staff here in Exeter to express our support and excitement for the proposed new development of the district centre on Honiton Road. I know that our staff would be delighted and would welcome this addition to the area. The types of facilities suggested can provide the needs of our staff, all within walking distance of the office.

There is most definitely a requirement for more facilities in this area of the city as this is an idea location for business. Investment of this kind would most certainly be a positive thing and help all businesses and staff in the locality.”

Eclipse – Letter of Support

“I am writing on behalf of Eclipse Internet, part of the KCOM Group, and on behalf of our staff to express support for the proposed District Centre of Honiton Road. We believe that our staff would benefit from this development, along with other businesses in the area. It would provide a much needed boost for this are, providing excellent facilities for all local workers. In addition it would be a high quality business destination and we hope that Exeter City Council will see fit to provide this positive investment in this area.”

Old Mill – Letter of Support 8th Sept 2014

“Due to traffic and the time taken to travel into Exeter, it is not really practical for staff to go into town during their lunch break. A mixture of cafes, restaurants, post office, gym, doctors, opticians and a bank will satisfy the majority of the staff’s needs. Having this within walking distance will be an attraction to new members of staff. We believe the proposal will rectify the lack of facilities which been available thus far.”

KIER – Letter of Support – 4th September 2014

“The majority of our Hawthorn House based staff (60) travel to work from surrounding areas such as East and South Devon and in some cases further afield. There is a lack of facilities for staff to use in the Sowton area and it is not feasible for staff to travel into city centre during or after the working day to fulfil their needs.

The proposed Moor Exchange development with its planned mix of retail, services and health outlets will fill the facilities gap which exists in this very busy and densely populated business

area. In our view it will serve to improve the attractiveness of the locality to businesses operating in the area."

West Country Milk – Letter of Support 1st October 2014

"I would like to express my support as well as that of our company and its staff for the proposed shopping centre development off Honiton Road. We welcome this type of scheme as it fits well with the balance of staff requirements during and after the working day. Frankly relying on the Supermarkets for their needs is insufficient and frustrating."

Paritor - Letter of Support – 4th September 2014

"The scheme offers a number of retail and leisure facilities that will meet the needs of our staff both during lunch hours and after work, and avoids the hassle and congestion of driving into the centre. Many of the suggested facilities such as fashion stores, gyms and restaurants are particularly relevant to our workforce as the majority are aged 21-30 and would greatly benefit from such amenities. Moreover, the scheme would encourage investment and new jobs to the area, thus creating a more competitive and attractive environment to work in and around."

Bishop Fleming – Letter of Support – 23 September 2014

"Our office on the Exeter Business Park has approx. 80 employees out of a total establishment of 300. We have been here 8 years and in that we have located some of our central head office functions to this office. The location is ideal for us in virtually all respects save one important issue; and that is access to facilities available to our staff. As a people business the ability to attract staff is critically important to us.

At a more general level, we believe that such a scheme can only be good for the important business hub around Junction 29 and as such good for the local economy in general."

Royal College of Nursing – Letter of Support – 15th September 2014

"This proposal for a new retail outlet close to Sowton and the Exeter Business Park is long overdue and with the increase in companies in the area, a more local outlet is both required and necessary for our and other company's staff."

Kendall Kingscott – Letter of Support – 3 September 2014

"We have been located on the Business Park for some 9 years and there are very little facilities for our staff during the lunchtime or either end of the working day. The District Centre providing a pharmacy, newsagent, fashion, opticians, bank restaurants etc will be very welcome by us and we would urge you to support the application. We look forward to receiving a positive outcome regarding the application."



Annex 3

Composite Decision Notice



City Development
Civic Centre, Paris Street
Exeter, EX1 1NN

01392 265223
www.exeter.gov.uk/planning
[g](#)

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

Mr P Scoble
c/o Agent
c/o Agent
UK

Town and Country Planning Act 1990 and its orders

APPLICATION FOR NON-MATERIAL AMENDMENT **SPLIT DECISION – PART GRANTED, PART REFUSED**

LOCATION: Land North Of Honiton Road And West Of Fitzroy Road, Exeter, ,

PROPOSAL: Non-material amendment to approval 19/1461/OUT (and agreed amendments 22/1520/NMA, 23/1268/NMA and 24/0601/NMA): Changes to condition 7 (cycle parking), condition 20 (BREEAM), 26 (Acoustic Fence), 29 (Travel Plan), 32 (Litter Management), 38 (Quantum of Development), 39 (Net Sales Area), 40 (A1 Block (Block A), 42 (A3 Uses) and 45 (Dual Representation)

APPLICATION NUMBER: 24/1054/NMA

Condition 7: Electric Bike Hire Provision
Amendment agreed.

Condition 20: BREEAM Standards
This is a material change and the amendment is not accepted.

Condition 26: Northern Boundary
Amendment agreed.

Condition 28: Highway Works
Amendment agreed.

Condition 29: Travel Plan
Amendment agreed.

Condition 32: Litter Picking

Amendment agreed.

Condition 38: Floorspace Allowances

This is a material change and the amendment is not accepted.

Condition 39: Retail Sales Area

This is a material change and the amendment is not accepted.

Condition 42: Restaurants and Cafes

This is a material change and the amendment is not accepted.

Condition 45: Other Centres

This is a material change and the amendment is not accepted.

For clarity the full list of conditions with revised wording is set out below, including those agreed though previous non-material amendments **22/1520/NMA, 23/1268NMA and 24/0601/NMA:**

1. Approval of Reserved Matters

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 Outline permission 19/1461/OUT 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

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 (16009-036 B)

Reason: To ensure compliance with the approved drawings.

4. Shadow Paths

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. EV Charging

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 spaces, or a minimum of 22 Electric charging spaces with a minimum 40 kW charging capacity, or a minimum of 10 Electric charging spaces with a minimum 100 kW charging capacity shall be provided, 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, the NPPF (Dec 2023) and Policy EN3 of the Exeter Local Plan First Review.

7. Electric Bike Hire Provision

The reserved matters details shall show the location of an electric bike hire facility on the site (providing for 8 cycles). The electricity infrastructure necessary to deliver the facility shall be provided prior to the occupation of any unit on the site. Evidence of this shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any unit. The infrastructure shall be maintained thereafter.

The facility shall be brought into operation prior to the occupation of any unit on the site, unless details demonstrating this is not practical and alternative timescales to do so have been submitted to and approved in writing by the Local Planning Authority, in which case the facility shall be brought into operation as approved.

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

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 Links

Detailed plan(s) of the bus/pedestrian/cycle access to the north boundary, or plans of the pedestrian/cycle access and written evidence that the bus access is either no longer necessary or no longer feasible, shall be submitted at Reserved Matters Stage. Any plan that includes the bus route 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 approved access route(s) shall be constructed in accordance with the approved plans prior to the first occupation of any unit of the development and 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. Southern Connections and Cycle Link

Prior to the commencement of the development hereby permitted, detailed plans, including sections to confirm gradients, of two 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. Site Investigation

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. Surface Water Drainage

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. 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

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. Drainage During 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 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. Drainage Adoption

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

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 Standards

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 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 Details

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. Northern Boundary

Prior to the first occupation or use of the development hereby permitted, a fence and/or wall 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 and/or wall 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. Landscape 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. Highway Works

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 as shown on drawing number 162334_PD_05 (Proposed Bus Stop Relocation and Controlled Crossing) unless otherwise agreed in writing by the Local Planning Authority. 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) for that part 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(s), or any amended document(s) 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 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 Spaces

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 Picking

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

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

33. Ventilation System

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

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

POST-OCCUPANCY

34. Deliveries and Loading

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. Gym Restriction

The Class E(d) floorspace hereby permitted shall be used for indoor sport, recreation or fitness and for no other purpose (including any other purpose in Class E 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. Removal of PD

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 the NPPF.

RETAIL CONTROLS

38. Floorspace Allowances

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

Within the overall maximum floorspace parameters specified above the following restrictions apply:

Use Class	Maximum (sq m GIA)
E(a) (Retail)	9,123
E(c) (Finance, professional and other services)	92
E(b) / Sui Generis (Restaurants and cafes, including take-out and drive-throughs)	1,137
E(d) (Indoor Sport / Recreation / Fitness)	1,395

Reason: To define the terms of the permission.

39. Retail sales area

The total net sales area of the retail (Class E(a)) floorspace hereby permitted shall not exceed 7,552 sq m, of which no more than 3,000 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. Retail Unit Requirement

The reserved matters to be submitted pursuant to this planning permission for the E(a) retail and E(d) Fitness block to the west of the site ('Block A') shown on drawing number 16009_036_B ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 8,733 sq m (including mezzanine floors) limited as follows:

- a) A maximum of five separate retail units;

b) A unit with a maximum floor area of 5,600 sqm (GIA) and a maximum net sales area of 3,329 sqm; 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 convenience goods and/or 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) Unless the floorspace equivalent is incorporated in (b) above, at least one unit of not less than 929 sq m (GIA) for predominantly convenience (food) retailing (unless an equivalent unit has previously been approved in Block B or is proposed in Block B as part of the same reserved matters application); up to 20% of the net sales area may be used for ancillary comparison goods sales;

d) Additional units of not less than 929 sqm (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. Block B

The reserved matters to be submitted pursuant to this planning permission for the Class E block to the north of the site ('Block B') shown on drawing number 16009_036_B ('Proposed Site Parameters Plan'), and within the limits of the overall maximum floorspace parameters specified in Condition 38, shall comprise a maximum gross floor area of 2,800 sqm (including mezzanine floors) limited as follows:

- (a) A maximum of four separate units of not less than 116 sqm (GIA) each for purposes within Class E, of which a maximum of one retail unit of no more than 1,655 sq m (GIA) can be occupied by retailers (Class E(a)) whose operation is predominantly the 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 uses to meet the needs of the community and to respect the retail hierarchy of the city.

42. Restaurant and Cafes

Uses within Class E(b)/Sui Generis (restaurants and cafes for 'eat-in' and 'take-out') shall be comprised in a maximum of three freestanding units as shown on drawing number 16009-036 B ('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 Space

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 232 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. Subdivision 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. Other Centres

Unless otherwise agreed in writing by the Local Planning Authority, none of the approved E(a) retail floorspace (excluding units occupied by retailers whose operation is predominantly convenience (food) retailing or which predominantly sell chemist and related goods) shall be occupied by any retailer who at the date of occupation, or within a period of 12 months immediately prior to occupation, occupies E(a) 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 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 E(a) retail floorspace within the development, or until such time as they cease to occupy E(a) 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

Signed

A handwritten signature in black ink that reads "Roger Clotworthy". Below the signature is a horizontal line.

Roger Clotworthy
Exeter City Council
Service Lead- City Development

Date: 7th November 2024

