

**MOOR EXCHANGE
HONITON ROAD/FITZROY ROAD
EXETER**

**APPLICATION FOR OUTLINE PLANNING PERMISSION FOR MIXED
USE DEVELOPMENT**

PLANNING STATEMENT

PREPARED ON BEHALF OF

CPG DEVELOPMENT PROJECTS LTD AND GROWEN ESTATES LTD



Contents

1	Introduction	3
2	Site and Surroundings	6
3	The Proposed Development	7
4	Planning Policy Framework	11
5	Relevant Planning History	25
6	Planning Analysis	29
7	Conclusions	63

Appendices

RA Ref: CONS0002
LPA Ref: -
Office Address: Number One
Queen Square Place
Bath
BA1 2LL
Telephone: +44 (0)1225 433675
Date of Issue: January 2018

1. Introduction

- 1.1 This Planning Statement is provided in explanation and support of an application for outline planning permission for Moor Exchange, to provide mixed use development comprising new town centre uses and facilities to serve the existing and future communities on the east side of Exeter.
- 1.2 The application is made in outline with means of access to be determined.
- 1.3 Approval is sought for the plans, drawings and development parameters set out in Schedules 1.1-1.3 below:

Schedule 1.1 Plans and Drawings

Drawing Number	Description
15049_PL01	Site Location Plan
15049_PL09	Parameter Plan_Proposed
PHL_001_B	Access Plan_Proposed

Schedule 1.2 Maximum Building Floorspace and Height Parameters

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

Schedule 1.3 Maximum Floorspace per Use Class

Use Class	Maximum (Sq M GIA)
A1 (Shops)	11,961
A3 (Restaurants and Cafes, inc. Drive-Thru's)	673

- 1.4 The gross floorspace figures set out above include mezzanines as identified on the illustrative drawings and accommodation schedule accompanying the application. The overall net sales area of the retail (Class A1) floorspace comprised within the scheme amounts to 9,688 square metres.
- 1.5 The following drawings set out in Schedule 1.4 are submitted for illustrative purposes only:

Schedule 1.4 Illustrative Drawings

Drawing Number	Description
15049_PL02_A	Site Layout Plan_Proposed
15049_PL03	Layout Plan_Proposed_Blocks A-D_Ground & Mezzanine
15049_PL04	Layout Plan_Proposed_Blocks E-G_Ground and Mezzanine
15049_PL05	Layout Plan_Proposed_Blocks K-M/Restaurants_Ground
15049_PL07	Elevations_Proposed_Blocks A-D
15049_PL08	Elevations_Proposed_Blocks E-G
15049_PL09	Elevations_Proposed_Blocks K-M
15049_PL10	Elevations_Proposed_Restaurants

- 1.6 The application is also accompanied by the documents and assessments set out in Schedule 1.5:

Schedule 1.5 Supporting Documents and Assessments

Document	Author
Design and Access Statement	Fletcher Rae
Planning Statement	Rocke Associates
Retail Impact Assessment	Mango Planning
Transport Assessment	Vectos
Flood Risk Assessment	Hamson Barron Smith
Ecological Assessment	Sunflower International
Air Quality Assessment	Environ
Geophysical Survey Report	Stratascan
Ground Conditions Report	Landmark
Archaeology (Letter)	Cotswold Archaeology

- 1.7 A number of the assessments that accompany the application were prepared and submitted in conjunction with the earlier applications for outline planning permission relating to the site, to which reference is made in Section 4 below. In the case of Archaeology, as is confirmed in the letter from Cotswold Archaeology, the investigation work had been completed and signed off pursuant to the conditions of the earlier planning permission, and therefore no further assessment is necessary to accompany the current application.

2. Site and Surroundings

- 2.1 The site, and its context, are described and analysed in some detail in the Design and Access Statement that accompanies the application.
- 2.2 The A3015 (Honiton Road) is an important arterial route into Exeter City Centre from the east, and from the M5 and A30 in particular, and defines the southern boundary of the application site. To the east the site abuts a recent Premier Inn Hotel and Restaurant that separates it from Fitzroy Road. Access to the site is proposed via a new spur from Fitzroy Road via the north-eastern boundary and to the north of the Premier Inn.
- 2.3 The application site is currently an isolated block of agricultural land with housing to the west and north, and commercial development to the east, north and south, including the Met Office, Exeter Business Park and Sowton Industrial Estate.
- 2.4 The Sowton Industrial Estate, to the south of the application site, is one of the two major suburban industrial/employment areas in Exeter. Together with the Exeter Business Park, it extends to approximately 142 hectares. Sowton comprises a range of employment activities including manufacturing, distribution, service industries, a motorway service area with retail/food and drink facilities, hotel, petrol filling station and extensive car parking, and bulky goods non-food retailing. These constitute the majority of the older Sowton Estate whilst the Exeter Business Park, as its designation indicates, comprises modern office together with hotel accommodation.
- 2.5 The application site extends to some 3.2 hectares. It slopes gently from the north-west to the eastern boundary. There is a variable level change along the southern boundary to Honiton Road. Land to the north of the application site is currently under construction for residential use (see paragraph 5.4 below).

3. The Proposed Development

3.1 The application proposals are for town centre facilities comprising mixed uses, including some or all of the following:

- Retail (food and non-food)
- Food and drink (cafes / restaurants, including drive-thru's)
- Car Parking

3.2 The proposed development is intended to serve a number of purposes, and in particular:

- Provide for the day to day needs of the substantial established business community in the locality, together with those of the substantial future new business and residential communities that are due to be developed in the vicinity.
- Provide a limited range of food, non-food and other shopping and related facilities for the wider established business and residential communities east of Exeter, and the future new communities coming forward as East Exeter Growth Point (Monkerton and Hill Barton Masterplan Area, Exeter Science Park, Skypark).

3.3 The scheme has been conceived having regard to both the requirements of the Monkerton and Hill Barton Masterplan (discussed further in Section 4 below), and in response to objections raised by the local planning authority to earlier proposals incorporating a much greater number of units and range of uses. It has sought to balance these with the aspirations of the local community expressed in connection with the earlier applications, and in particular the substantial support from the local business community. The very substantial support from the local business community for town centre facilities on the application site is a very material consideration in the determination of this application. Key extracts from the letters of support previously received, and that are representative of the strong sentiments expressed, are appended (Appendix 1). The predominant, recurring messages that arose from the support expressed by business leaders on behalf of many thousands of employees, can be summarised as follows:

- Staff do not use city centre facilities since it is too far, impractical and congested to travel between the site and the city centre during the course of the working day, or afterwards.
- Many staff live outside the city and commute from some distance, and have no alternative but to shop in retail centres away from Exeter.
- The working population needs much more than just a supermarket, and the application proposals represent a much needed 'hub' of facilities.
- The proposals will enhance the ability to attract and retain key staff and provide a range of facilities which are expected of a premier employment location.
- The proposals will deliver major economic benefits and strengthen the locality for inward investment.
- The proposals will deliver significant sustainability benefits by enabling staff to walk to them and combine work with other daily activities during lunchtimes and after working hours, reducing the need to use cars and easing congestion.

These are real issues perceived by those for whom the facilities are intended. They are very material considerations and the Council is alive to their obligation to consider the needs and aspirations of 'all' those who live and work throughout the urban area as a whole, not just those who live and/or work in the city centre.

- 3.4 With regard to the proposed restaurants, the quantum and range of offer has been reduced in response to the Council's previous concerns relating to possible competition with aspirations for the city centre, albeit that the first phase of The Guildhall redevelopment has now been completed and occupied, and a second phase is proceeding. There are now only two, standalone units proposed incorporating drive-thru's. They are not oriented towards high end occupiers focusing on the evening economy, and will derive trade from customers already travelling along Honiton Road, visiting the development for shopping purposes, and/or working in the surrounding businesses. They are therefore not intended to, nor will they, act as a

destination in their own right, and likely occupiers (Costa and McDonalds) are those seeking a presence in both city centre and out-of-centre locations to capture different segments of the market often through different formats in the alternative locations.

- 3.5 Whilst there is an existing disparate provision of (predominantly bulky goods) retail development on the east side of Exeter, the proposed development is intended to provide a coherent hub comprised in a lower order centre, in accordance with the development plan strategy, with high quality contemporary architecture to raise the benchmark standard of retail and leisure provision on the east side of Exeter commensurate with the substantial investment that is proposed through the Growth Point initiative.
- 3.6 The aspirations underpinning the proposals are to strengthen Exeter as a retail destination overall in the context of a growing (resident and working) population and expenditure base, consumer aspirations for a choice of good quality facilities that are well-located in relation to places of residence and work, and increasing competition from online sales. Having regard to the relationship of the existing and future communities on the east side of Exeter to the strategic highway network, and the M5 in particular, the propensity for travel to destinations outside Exeter for shopping and leisure purposes is high. Emerging proposals, such as the proposed Outlet Village at J27 of the M5, will further increase this propensity.
- 3.7 The provision of a limited range of convenience and comparison shopping on the site as an intermediate facility will assist with retaining trade in Exeter on a day-to-day basis, not least by those who commute into the businesses on the east side of Exeter from beyond the city boundaries, and will encourage more specific-purpose shopping and leisure trips to take place in the city centre rather than as part of an accumulated, bigger spending trip away from the city. The extracts from the letters of support from the business community (Appendix 1) clearly endorse the scale of in-commuting from outside Exeter, and the potential to tap into expenditure that otherwise would not be made, or would be made away from Exeter, not least online.
- 3.8 The specific composition, design and layout of the proposals are described in more detail in the Design and Access Statement accompanying the application. The design approach is contemporary, with clean lines, intended to complement the best of the contemporary commercial architecture that is coming forward in the immediate vicinity and beyond, including the Met Office immediately adjacent to the site and the Exeter Science Park beyond the M5 to the east.



- 3.9 A successful and sustainable business environment will not be achieved through quality architecture alone, but requires a range of supporting facilities of commensurate quality. The application proposals are intended to provide that necessary range and benchmark quality.



4. Planning Policy Framework

National Planning Policy Framework

- 4.1 The essential purpose of the planning system as set out in the NPPF is to contribute to the achievement of sustainable development (para. 6). The NPPF sets out three dimensions to sustainable development – economic, social and environmental roles – which are inter-dependent.
- 4.2 At the heart of the NPPF is a presumption in favour of sustainable development. Having regard to the provisions of paragraph 14, for decision making this means *“approving proposals that accord with the development plan without delay”*. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless:
- *any adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in the Framework indicate that development should be restricted.*
- 4.3 The achievement of sustainable development is assessed in the NPPF in relation to thirteen headline areas. These include building a strong, competitive economy, ensuring the vitality of town centres, promoting sustainable transport and accessibility to good quality facilities, and promotion of good design.
- 4.4 The underlying principle of the NPPF is the Government’s commitment to ensuring that the planning system does *“everything it can to support economic growth”* (paragraph 19). To this end:
- Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system (paragraph 19).*

4.5 It is germane that the definition of ‘economic development’ that the Framework seeks to support is a broad one, and embraces not only development within the B use classes but also public and community uses and main town centre uses (Annex 2: Glossary).

4.6 As part of the emphasis on supporting economic growth the Framework cautions against planning policies that seek:

*... the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. ... Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the **relative need for different land uses to support sustainable local communities** (paragraph 22 – emboldening added).*

4.7 The NPPF requires local planning authorities to take a positive approach towards development involving town centre uses. The requirements include defining a ‘network and hierarchy’ of centres and allocating a ‘range’ of suitable sites to meet the scale and type of, *inter alia*, retail, leisure, cultural and community development needed (para. 23). Emphasis is placed on the importance that needs for retail, leisure, office and other main town centre uses are ‘met in full’, and are not compromised by limited site availability.

4.8 Proposals for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan are subject to sequential and impact assessment. When considering out-of-centre proposals preference should be given to accessible sites that are well connected to the town centre (paragraph 24). Development should only be refused where an application fails to satisfy the sequential test, or is likely to have ‘significant adverse impact’ on an existing centre.

4.9 To the end of promoting sustainable transport the Framework requires plans and decisions to ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (para. 34). To protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people, developments should be located and designed where practical to, *inter alia*:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities (paragraph 35).

4.10 The Framework confirms that planning policies should:

... aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities (paragraph 37).

For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site (paragraph 38).

4.11 The 'great importance' that the Government attaches to design of the built environment is confirmed in the NPPF. Good design is considered to be a 'key aspect' of sustainable development (paragraph 56).

4.12 The NPPF requires planning policies and decisions to aim to ensure that developments, *inter alia*:

- will function well and add to the overall quality of the area over the lifetime of the development;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses, and support local facilities and transport networks;
- create safe and accessible environments; and
- are visually attractive as a result of good architecture and appropriate landscaping (paragraph 58).

4.13 In determining applications, great weight is to be given to outstanding or innovative designs which help raise the standard of design more generally in the area (paragraph 63).

Planning Practice Guidance (PPG)

- 4.14 The PPG endorses the policy requirement in the NPPF to meet the needs of main town centre uses in full, and to plan positively for town centres, including:

*.... (to) promote beneficial competition within and **between** town centres, and create attractive, diverse places where people want to live, visit and work. (ID: 2b-001-20140306 – emboldening added)*

- 4.15 It is acknowledged that it may not be possible to accommodate all forecast needs in a town centre. Under such circumstances:

... planning authorities should plan positively to identify the most appropriate alternative strategy for meeting the need for these main town centre uses, having regard to the sequential and impact tests. This should ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations to support the vitality and vibrancy of town centres, and that no likely significant adverse impacts on existing town centres arise, as set out in paragraph 26 of the National Planning Policy Framework. (ID: 2b-006-20140306).

- 4.16 The PPG provides detailed guidance on the application of the ‘sequential’ and ‘impact’ assessments. However, the PPG cautions as follows:

*The application of the test should be proportionate and **appropriate** for the given proposal. (ID: 2b-010-20140306 – emboldening added). ...*

*Use of the sequential test should recognise that certain main town centre uses have particular market and **locational requirements which mean that they may only be accommodated in specific locations.** (ID: 2b-011-20140306 – emboldening added).*

Exeter Core Strategy (Adopted: February 2012) (ECS)

Strategic Vision / Objectives

4.17 The 'vision' for Exeter is to embrace its role in the region as an area of growth:

- *by providing houses, jobs and supporting infrastructure through maximising the use of previously-developed land within the city, and through sustainable urban extensions to the east, at Newcourt and Monkerton/Hill Barton, and to the south west at Alphington; and*
- *by maintaining a vital and viable mix of uses in the City Centre and delivering development to enhance Exeter's position as a premier retail and cultural destination (paragraph 3.2).*

4.18 To this end, key objectives include:

- Encouraging high density development in appropriate locations within the urban extensions;
- Developing the potential of the city for further economic and commercial investment by, *inter alia*, providing sufficient land and appropriate range of accommodation for businesses in the Monkerton/Hill Barton, Newcourt and Matford areas;
- Providing and enhancing retail, cultural and tourist facilities in the City Centre that reflect and enhance Exeter's regional and sub-regional status and sphere of influence, that add to economic growth, that build social cohesion, and that promote vitality and viability;
- Minimising the need to travel and reducing dependency on the car through, *inter alia*, providing easy access to jobs and community facilities within the urban extensions to the east and south west;
- Meeting local needs for community, cultural, social, retail, education, religious and recreational facilities, particularly within the urban extensions, regeneration areas and in

areas of deprivation, in order to improve quality of life and reduce social exclusion and the perception of crime (paragraph 3.8).

- 4.19 The Core Strategy's vision and objectives therefore promote the Monkerton/Hill Barton Urban Extension, of which the application site forms a part, as a priority area where future investment and growth will be focused and delivered, including development to meet the community's needs for retail, leisure and culture.

Spatial Approach

- 4.20 Pursuant to the above objectives, **Policy CP1** makes provision for around 60 hectares of employment land, at least 12,000 dwellings and up to 40,000 sqm net retail floorspace within the city during the plan period to 2026. This includes the promotion of land at Monkerton/Hill Barton as a 'comprehensively planned and fully integrated mixed use urban extension'.

Employment Land

- 4.21 **Policy CP2** identifies a proposed distribution of employment land within the city, including 5 hectares on the fringes of the Exeter Business Park in the Hill Barton Area. The policy stipulates that:

The release of employment land to other uses will only be acceptable where it can be demonstrated that development for an alternative use represents an opportunity that would that would create significant economic benefits for the city and the Travel to Work area.

- 4.22 Employment land is defined in the Glossary of Terms as:

All land and buildings which are used or designated for purposes within Use Class B1 (Business), Class B2 (General Industrial) and Class B8 (Storage and Distribution) and other uses of employment character or which generate substantial employment or economic benefits and which may include sui generis uses such as car showrooms.

Retail

4.23 In accordance with **Policy CP8:**

Retail facilities will be provided so as to contribute to the delivery of sustainable growth and in response to the needs of local, including disadvantaged, communities.

To maintain and enhance the vitality and viability of the City Centre, the provision of around 3,000sqm of net retail convenience floorspace and around 37,000sqm of net comparison floorspace is proposed. This will include up to 30,000sqm of comparison floorspace in the Bus and Coach Station area, to be developed as part of a mixed-use scheme by around 2016.

Retail development outside the City Centre should be located in the district or local centres. Out of centre sites will only be considered if there are no suitable sites in, or on the edge of, the City Centre, district centres or local centres and the proposal would cause no significant overall impact on the existing centres and would bring net benefits. In all cases proposals must be accessible by public transport and other sustainable modes, and be appropriate in scale and character to the role and function of the proposed location.

Local retail facilities will be required as part of the community provision at the Monkerton/Hill Barton and Newcourt urban extensions.

Transport

4.24 **Policy CP9** identifies comprehensive strategic transport measures to accommodate the additional development proposed for the city and adjoining areas, including a new rail halt at Hill Barton on the Exeter to Exmouth line and improvements to facilities for pedestrians and cyclists.

4.25 **Policy CP10** requires new and improved community facilities (including social, health, education, cultural and leisure) to be provided in a timely manner to meet the needs of new

development, make a positive contribution towards safeguarding and creating sustainable communities, promoting social inclusion and reducing deprivation. Facilities which serve the city as a whole should be included in the City Centre or, if not feasible, at locations which are readily accessible by all modes of travel, particularly public transport. Facilities which serve neighbourhood needs should, wherever possible, be located within or close to district or local centres or at locations easily accessible to the local community, particularly by foot or bicycle.

Environment / Sustainable Design

- 4.26 **Policy CP11** (Pollution) requires development to be located so as to minimise and, if necessary, mitigate against environmental impacts.
- 4.27 **Policy CP12** (Flood Risk) requires all development proposals to mitigate against flood risk and utilise sustainable urban drainage systems, where feasible and practical.
- 4.28 **Policies CP13** (Decentralised Energy Networks), **CP14** (Renewable and Low Carbon Energy) and **CP15** (Sustainable Construction) set out the Council's target towards a low carbon economy by requiring new development with a non-residential floorspace of 1,000sqm to achieve the following, unless it can be demonstrated that it would not be viable or feasible to do so:
- Connect to any existing, or proposed, decentralised energy network in the locality to bring forward low and zero carbon energy supply and distribution (CP13).
 - Use decentralised and renewable or local carbon energy sources to cut predicated CO2 emissions by the equivalent of at least 10% over and above those required to meet the building regulations at the time of buildings regulations approval (CP14).
 - Demonstrate how sustainable design and construction methods will be incorporated. All development must be resilient to climate change (particularly summer overheating) and optimise energy and water efficiency through appropriate design, insulation, layout, orientation, landscaping and materials, and by using technologies that reduce carbon

emissions. BREEAM 'Excellent' standards from 2013, non-domestic buildings to be zero carbon from 2019. (CP15).

4.29 **Policy CP17** requires all proposals for development to exhibit a high standard of sustainable design that is resilient to climate change and complements or enhances Exeter's character, local identity and cultural diversity. Development at Monkerton and Hill Barton is expected to:

- employ high quality design to create a distinctive sense of place that relates well to existing communities;
- reinforce the east west ridgeline and provide a strategic greenway that links to developments to the east of the city, including Cranbrook;
- integrate green lanes, hedgerows and trees and provide open space, playing fields and allotments;
- be orientated on the sustainable movement network and designed so as to reduce the dominance of vehicles within the public realm;
- create a safe and secure environment that encourages social interaction and inclusion and promotes healthy living and a sense of well-being;
- retain and enhance the biodiversity of the site and adjacent areas;
- apply innovative design to overcome constraints, such as noise, pollution and topography;
- aim to install low and zero carbon energy provision (for example, Combined Heat and Power (CHP)).

Strategic Allocations

4.30 Through **Policy CP19** the Monkerton/Hill Barton Area is proposed for:

... around 2,500 dwellings, 5 hectares of employment land and all associated infrastructure including:

- *local centre to provide shops, doctor's surgery and community facilities;*
- *a primary school;*
- *green infrastructure framework;*
- *low and zero carbon infrastructure;*
- *gypsy and traveller site provision if necessary;*
- *new pedestrian and cycle bridge over the motorway;*
- *new link road from Cumberland Way to the motorway to provide vehicular access;*
- *safeguarding the new rail halt on the Exmouth to Exeter line;*
- *a new training and educational facility by Exeter College; and*
- *contributions towards other education, social and community facilities.*

Exeter Local Plan First Review (2011) (ELPFR)

- 4.31 Although the ELPFR is now time-expired, only two of its 'saved' policies have been formally superseded by the adoption of the Core Strategy. For the sake of completeness since it remains part of the Development Plan, a brief review is undertaken of relevant saved policies of the ELPFR. To the extent that the policies duplicate matters that are addressed in the ECS, the policies of the latter, being the most up-to-date, are the ones that should prevail, and therefore to which the greatest attention will be given.

Local Plan Strategy

- 4.32 **Policies AP1 and AP2** set out the key tests against which new proposals will be judged. These policies promote development at locations where there is good accessibility by

sustainable transport modes. They also require a sequential approach to the assessment of new sites for, *inter alia*, retail and commercial leisure uses.

Retail

4.33 **Policy S1** permits additional retail floorspace outside the designated areas only if there would be no harm to the vitality or viability of the existing shopping centres, including the prospect of securing public or private investment in them. Subject to the above it requires a sequential approach to site selection, with priority given to the primary shopping area of the city centre, followed by, *inter alia*, district and local centres.

4.34 In the Glossary to the ELPFR a 'district centre' is defined as:

A feature of large urban areas which provide a focal point, separate from the town centre, for between 25,000-40,000 people. Usually containing at least one supermarket or superstore and non-retail services such as banks, building societies, restaurants and community facilities.

4.35 A 'local centre' is defined as:

Small group of shops and services generally serving the immediate local area. Usually comprises a newsagent, a general grocery store, a sub-post office and occasionally a pharmacy, a hairdresser, and other small shops of a local nature.

4.36 **Policies T1, T2 and T3** promote sustainable modes of transport and require non-residential development to be accessible within walking distance and/or by bus or rail to a majority of its potential users.

4.37 **Policy T9** permits development only if provision is made for safe and convenient access by people with disabilities.

- 4.38 The parking standards set out in the transport policies are expressed as maxima, and reflect an approach that has been superseded by the NPPF. More up-to-date guidance is found in the Sustainable Transport SPD 2013.

Landscape

- 4.39 **Policy LS1** resists development which would harm the landscape setting of the city and requires proposals to maintain local distinctiveness and character. Based on a landscape appraisal, open land is identified on the Proposals Map which is to be protected from development based on its intrinsic merit and its contribution to the distinctive landscape setting of the City.
- 4.40 The application site, together with the wider area to the north, is subject to the designation to which Policy LS1 applies. The reasoned justification states that *“between the motorway and Hill Barton Road is attractive open farm land, rolling north and south of a central ridgeline, which provides visual links to the hills and open countryside beyond the City to the north and east and serves to maintain the separate identity and setting of Monkerton, Pinhoe and Hill Barton”* (paragraph 11.6).

Design

- 4.41 **Policy DG1** requires development to respond to its townscape context and that of the wider City.

Transport

- 4.42 **Policy DG2** requires development to be laid out and designed to maximise the conservation of energy.
- 4.43 **Policy DG3** requires commercial development to:
- Face the main elevations, ancillary office uses and entrances of buildings onto the public realm;

- Ensure that car parking layouts and use of surface materials are designed to give priority to pedestrians;
- In the case of retail warehousing, ensure that clear glazed display windows are provided on the front elevations;
- Ensure that large, prominent areas of blank wall are designed to provide visual interest;
- Local areas of external storage in unobtrusive positions screened from public places.

4.44 **Policy DG7** requires the design of development to achieve a safe and secure environment.

Environment

4.45 **Policy EN3** seeks to resist development that would harm air or water quality.

4.46 **Policy EN4** restricts development that would increase the likelihood of flooding or be at risk from flooding.

4.47 **Policy EN5** resists development that would cause nuisance to noise-sensitive development.

Monkerton and Hill Barton Masterplan Study (MHBMS)

4.48 In November 2010 the Council published the Monkerton and Hill Barton Masterplan Study to guide future planning applications for the strategic site identified in the emerging Core Strategy.

4.49 The application site is identified in the Masterplan framework as the 'Sowton Character Area', the vision for which is as follows:

Sowton will be a high quality employment area, building on the established identity of Exeter Business Park. Some business community facilities such as a crèche, 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. 3-4 storey development will create a well defined, consistent and high quality frontage onto Honiton Road, recognising and reinforcing this as one of the main entrances into the city.

- 4.50 Proposed uses are identified in the Masterplan as predominantly employment with facilities for the business community.
- 4.51 Provision is made, and land is identified, for two new town centres in the MHBMS, a new district centre adjacent to the north-western boundary of the strategic allocation (Pilton Centre) and a smaller, local centre associated with the proposed new rail halt to the north-west of the application site in the southern part of the strategic allocation (Hill Barton Centre).

Draft Development Delivery DPD (December 2013)

- 4.52 The draft Development Delivery DPD was published for consultation purposes in December 2013.
- 4.53 In view of the early stage in its progression towards adoption, and the objections that have been made to its content, it carries very little weight at the present time.
- 4.54 Notwithstanding the foregoing, the site is allocated in part for a district/local centre and in part for employment uses. Apart from the application site, there are no other designated town centres identified on the Proposals Map in the Monkerton and Hill Barton Masterplan Area.

5. Relevant Planning History

- 5.1 In June 2012 outline planning permission (Ref: 11/1619/01) was granted for the development of the application site, together with adjoining land to the east to the boundary with Fitzroy Road, for:

Mixed use development comprising B1, B8, D1, D2, C1, A1, A3, A4 and A5 uses (means of access to be determined).

- 5.2 The outline planning permission allowed for up to 1,600 sq m of uses within the 'A' classes, in addition to the pub-restaurant that has now been developed on the adjacent site to the east in conjunction with the Premier Inn Hotel.

- 5.3 In December 2012 reserved matters approval (Ref: 12/0954/02) was granted for the hotel and restaurant forming part of the outline approval on the adjoining land to the east. That permission has been implemented.

- 5.4 In November 2013 outline planning permission (Ref: 12/0472/01) was granted on land to the north of the current application site for:

Mixed use scheme comprising up to 750 dwellings, a local centre (A1, D1, D2), public open space, demolition of buildings, landscaping, highway access to Hill Barton Road and associated infrastructure works (all matters reserved for future consideration apart from access).

- 5.5 In December 2014 outline planning permission (Ref: 14/1615/01) was refused for a mixed use development comprising a District Centre. Planning permission was refused for the following reasons:

1. *The application site forms a significant part of the Monkerton and Hill Barton strategic allocation area. The scale and function of the proposed development would not accord with, and would be prejudicial to the achievement of, the strategic objectives for 'around 2,500 dwellings, and around 5 hectares of employment land and all associated*

infrastructure' at the Monkerton and Hill Barton area as set out in Policy CP19 of the Exeter Core Strategy.

2. *The proposed development would not accord with the retail strategy focussed on mixed use development at the Bus and Coach Station in Exeter city centre and would therefore be contrary to Policy CP8 of the Exeter Core Strategy.*
3. *The application has failed to satisfy the sequential test and has not demonstrated that the Exeter Bus and Coach Station site would not be suitable for the proposed town centre uses in accordance with Policy CP8 of the Core Strategy and paragraphs 24 and 27 of the National Planning Policy Framework.*
4. *The application has failed to demonstrate that the proposed development would not result in significant adverse impact on committed and planned public and private investment in centres in the catchment area of the proposal; and on town centre vitality and viability in accordance with Policy CP8 of the Core Strategy and paragraphs 26 and 27 of the National Planning Policy Framework.*
5. *The application conflicts with Core Strategy Policies CP8 and CP19. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, section 70(2) of the Town and Country Planning Act 1990, and Paragraph 12 of the National Planning Policy Framework it should therefore be refused as other material considerations do not indicate otherwise.*
6. *Contrary to paragraph 32 of the National Planning Policy Framework, adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access and impact on the highway network.*

- 5.6 An Appeal was lodged against that refusal of planning permission, and a subsequent application (Ref: 15/0704/01) for a similar scheme of development was refused planning permission in November 2015. The refusal reasons were similar except, in the interim, agreement had been reached on the highway impacts of the proposed development, and therefore reason 6 was not repeated. An additional reason was included relating to alleged conflict with the proposed allocation of the site for employment purposes in the emerging Development Delivery DPD and the limitation of local services within employment areas to those designed to serve the needs of the workforce only.

5.7 The Secretary of State's decision on the Appeal was received in June 2016. The Appeal was dismissed, the Secretary of State upholding the Council's objections that the proposed development was contrary to the provisions of the Development Plan since it exceeded the interpretation of a local centre, and that it failed to comply with the sequential test since, at the time of the Inquiry, it was construed that the Bus and Coach Station site was a sequentially preferable, suitable and available site.

5.8 It is germane that the Secretary of State held as follows:

- There would be no significant harm to the supply of employment land through using the site for purposes other than offices, and no significant conflict with the Development Plan in this respect.
- There would be no harm to the vitality and viability of the City Centre in general, or likely risk to planned investment in it sufficient to justify dismissal of the Appeal.
- The scheme would give rise to economic benefits, including the creation of around 400 full time equivalent jobs and facilities for local businesses, to which significant weight should be given.
- The provision of accessible local services would be a social benefit to which moderate weight should be given.
- In the light of the conclusion that there was a sequentially-preferable site, there would be environmental harm to which limited weight should be afforded given that it is a less accessible site.

5.9 Overall, the Secretary of State concluded that the benefits of the scheme would not outweigh the conflict with the development plan and the environmental harm, in addition to which the proposals failed the sequential test. He therefore found there to be no material considerations that indicated that the proposals should be determined other than in accordance with the development plan.



- 5.10 In March 2015 planning permission was granted (Ref: 13/5128/03) for variation of Condition 29 of the extant outline planning permission (Ref: 11/1619/01) relating to the site to amend the timing of the requirement to construct a vehicular connection to the northern boundary of application site to enable a connection between the site and future development to the north.



6. Planning Analysis

The Principle of Development

- 6.1 Although the site is subject to Policy LS1 in the ELPFR which seeks to restrain development, that restraint designation has been superseded by the adoption of the Core Strategy, and Policy CP19 in particular that identifies the site as a strategic allocation, and the planning permission that has previously been granted for mixed use development of the site. There is, in consequence, no objection in principle to the development of the site.
- 6.2 The site is part of the strategic allocation for the Monkerton / Hill Barton area. It is therefore part of a mixed use allocation that includes provision for retail development and other community facilities (Policy CP19). Indeed, both Policies CP8 and CP19 'require' retail and associated community facilities as part of the strategic urban extensions, and the provision of such is central to the strategic vision that they should be 'sustainable' communities.
- 6.3 There is no distribution of land uses shown on Plan 2 which defines the strategic allocation in the ECS. The reasoned justification to Policy CP19 provides for the development of the area "... to have **general regard** to guidance contained in the Monkerton and Hill Barton Masterplan Study" (paragraph 12.18 – emboldening added).
- 6.4 The guidance in the MHBMS provides for two new centres within the strategic allocation. The Pilton Centre is intended to be a 'diverse and active hub for the new and existing community to the east of Exeter', incorporating a range and mix of retail units, food and drink outlets, and other community facilities including a gym. The notional location for the Pilton Centre is shown to be in the north of the Masterplan area in the vicinity of the existing Sainsburys store at Pinhoe. The notional area of the site that is allocated for the new centre is greater than that of the current application site (MHBMS – Figures 5.1, 5.5).
- 6.5 The Hill Barton Centre is located to the north-west of the current application site and is intended to be a lower-order centre focused around the proposed new rail halt. It is not intended to include the same range and mix of retail and food and drink outlets as the Pilton Centre.

- 6.6 The conceptual model for the development of the area that underpins the Masterplan Framework confirms the intentions for the respective centres. They are for a new 'district' centre focused in the north-western part of the area (the Pilton Centre), and the creation of a more 'local' centre focused at Hill Barton (MHBMS, p.36). These concepts are commensurate with the scale of the respective land-use allocations (Figures 5.1, 5.5).
- 6.7 It is now evident that neither of the proposed centres identified in the MHBMS will be delivered. The Hill Barton Centre is reliant upon the delivery of the new rail halt, which Policy CP19 seeks to safeguard. However, it is clear that the rail halt is unlikely to be put in place during the plan period, and as a consequence, neither will the local centre. Moreover, it has also become known that the land identified for the proposed Pilton Centre is subject to restrictive covenants precluding retail development. That the undeliverability of the Pilton Centre has now been accepted by the Council is reflected in the grant of planning permission (for sheltered accommodation) on the identified site in the Masterplan Framework.
- 6.8 In the light of the above, it is appropriate to seek to accommodate the new facilities required by strategic policy in an alternative location within the strategic allocation to those indicated in the MHBMS. This is consistent with the key strategic objectives underpinning the ECS, and in particular to meet needs for retail, leisure and other community facilities within, *inter alia*, the urban extensions, not least to minimise the need to travel and reduce dependency on the car (paragraph 3.8).
- 6.9 The application site is an entirely appropriate, alternative location for the proposed new facilities within the strategic allocation, and arguably a better fit with the overall ambitions for the site and the wider masterplan area. It is evident from the MHBMS that there is a greater concentration of existing town centre and other community facilities to the north and west of the masterplan area than to the south and east (Figure 2.19). Therefore, the more compelling need is to enhance facilities in the southern part of the strategic allocation.
- 6.10 There is no disadvantage in terms of the communities that the facilities are intended to serve in accommodating them on a site at the southern fringe of the strategic allocation rather than its north-west edge. This is particularly so bearing in mind their intended purpose to serve the wider, existing community on the east side of Exeter as well as the future new community. An added advantage of the application site is that the facilities can serve a dual role and deliver, simultaneously, the specific vision for the Sowton Character Area to provide facilities to serve the business community.

- 6.11 The existing business area, comprising the Sowton Industrial Estate and Exeter Business Park to the south east, east and north east of the application site, is extensive and hosts a substantial employment community. As is acknowledged in the vision for the Sowton Community Area, it is in need of supporting facilities to ensure its continuing attractiveness as a business location. Whilst, as part of the outline permission, planning permission has previously been granted for a quantum of retail, food and drink and related development on the site, it is of insufficient critical mass to ensure its delivery, and there was no developer / occupier interest in the development for which planning permission was been granted. A greater critical mass of retail floorspace on the site that will ensure the delivery of needed facilities is essential to sustaining the continued attractiveness of the wider area as a business location, and to which the application site is better related than that of the Pilton Centre. These benefits were roundly endorsed by the substantial support from the business community to the Appeal application (see Appendix 1).
- 6.12 The application site is also better located to serve the wider community on the east side of Exeter, and to which it is more accessible via Honiton Road and the A30. This includes the existing and future communities to the east of the M5 (Science Park, Sky Park and Exeter Gateway) as well as the established employment communities to the west (Exeter Business Park, Sowton Industrial Area and Pynes Hill Business Park).
- 6.13 The scale and intended purposes of the proposed centre are entirely commensurate with what is envisaged in the MHBMS. The MHBMS, which forms part of the ECS evidence base and informed the preparation of the strategic policies, contemplates options that include a centre that is intended to serve more than the immediate local area. The land use allocations and 'vision' for the two new centres for which the Masterplan provides clearly indicate that the larger of the two (the proposed Pilton Centre) is intended to serve the wider area of east Exeter. It is germane that the size of the current application site (approximately 3.2 hectares) is circa one-third of the size of the land area that is identified for the proposed Pilton Centre (approximately 9.15 hectares) in the MHBMS. Moreover, the current proposals combine the requirements for the undeliverable Pilton and Hill Barton Centres, in addition to providing for the acknowledged requirements of the established business community at Sowton Industrial Estate and Exeter Business Park, for which separate and additional provision is made in the MHBMS.

- 6.14 There are no floorspace thresholds or limits for the proposed new centres specified in either the ECS or the guidance contained in the MHBMS. In her Report on the Examination of the ECS the Inspector held as follows:

*Policy CP19 provides details of the mix of uses proposed at each of the strategic allocations. At Monkerton / Hill Barton, it was queried whether a local or district centre should be sought. It was also argued that new community facilities along the Honiton Road frontage would be needed to serve 'Monkerton south'. The masterplan study reviewed options for a new centre (or centres) and I have insufficient evidence that Policy CP19 is inconsistent with PPS4 or out of line with Exeter's hierarchy of centres. **Flexible application of the plan and masterplan should allow for appropriate provision of shopping and community facilities as the urban extension develops**". (paragraph 48 emboldening added).*

- 6.15 It is therefore clear that the ECS Examination Inspector anticipated, and expected, a flexible interpretation of the ECS and MHBMS to allow for an 'appropriate provision of shopping and community facilities'. As such, the 'general guidance' provided by the MHBMS should be interpreted having regard to the aspirations for the centres, the range of facilities advocated, the purposes they are intended to serve, and not least the viability of their delivery. The consented scheme on the site has failed to come forward owing to insufficient critical mass and tenant anchor to achieve its delivery. Moreover, since the proposals for the application site will now provide the only facilities for the Masterplan area as a whole, as well as to serve the acknowledged requirement for the wider area of east Exeter, and therefore combine both the identified requirements for the Hill Barton and Pilton Centres as well as the requirement for local facilities for the business community, they comprise an entirely appropriate level and range of provision. It is entirely appropriate that regard should be had to the circumstances relating to the provisions for retail floorspace elsewhere to ensure that the NPPF requirement for retail and other main town centre uses to be 'met in full' and 'not compromised by limited site availability', is upheld.

- 6.16 The application proposals are considered to be entirely consistent with the 'general guidance' provided in MHBMS, and the intended purpose of the required facilities to serve the existing and future communities to the east of Exeter, including the substantial neighbouring business community which is a requirement additional to, and beyond, that of the Pilton Centre. Moreover, the scale and range of retail and related facilities is typical of those found in secondary locations nationwide, and such as can co-exist in a complementary rather than competitive relationship with higher order town and city centres that would be such as to cause them significant adverse harm. The Secretary of

State confirmed that the previous proposals would not cause harm to the vitality and viability of Exeter City Centre or any other existing centre.

- 6.17 Neither Policy CP19, nor any other policies of the ECS, identify, or restrict, retail development at the Monkerton and Hill Barton urban extension to an overall floorspace quantum. On the contrary, Policy CP8 requires that retail facilities will be provided in response to the needs of the local community. That the proposals respond to the needs of the local community is unequivocal from the overwhelming expressions of support in connection with the previous application (see Appendix 1). Moreover, the proposals will deliver the requirements for the Masterplan area set out in Policy CP19, which does not limit the range of uses specified.
- 6.18 In decisions elsewhere, the Council has quite appropriately applied a flexible interpretation of the Core Strategy provisions to deliver needed facilities to serve the growth areas on the east side of Exeter. In reporting on the proposed Aldi store at Exeter Road, Topsham, the Officer's advice to Members was as follows: :

*Core Strategy Policy CP8 deals with the provision of further retailing within the City and the evidence base for the policy comprises a retail study commissioned by the Council and carried out by consultants DTZ in 2008. To maintain and enhance the vitality and viability of the City Centre the policy identifies the provision of 3000m² of net retail convenience floor space within the city centre. ... The supporting text to the policy states "In planning for new retail provision DTZ emphasises that the capacity forecasts set out in its 2008 study are intended as an indication of the likely order of magnitude of future floor space capacity (if forecast trends are realised), **rather than as growth targets or rigid limits to growth**". The former requirement for applicants to demonstrate that there is 'need' for development proposals has also been removed from the Government town centre policy. In considering this proposal against policy CP8 both of the above are relevant and in this context **the issue of 'need' for a further convenience retail in Exeter is not considered to be an overriding material factor**. Rather, the key issues relate to sequential and impact tests as set out in the NPPF and reflected in policy CP8. (Officer's Report to Planning Committee on 27th April 2015 in respect of Application Ref: 14/2083/03, pp. 16-17 – emboldening added).*

- 6.19 It is also germane to note the Officer's position that, since the outline planning permission for the strategic site at Newcourt did not include planning conditions that specifically restrict the amount of

retail floorspace that may come forward, the quantum of retail floorspace that can come forward as part of that strategic development should be interpreted flexibly (Officer's report, page 19). The same principles apply in this instance since the outline planning permission that was granted for the strategic site at Monkerton and Hill Barton similarly does not include planning conditions that specifically restrict the quantum of retail floorspace.

- 6.20 For reasons set out in Section 3 above, the current proposals are materially different from those dismissed at Appeal. The overall floorspace comprised within the scheme is reduced by more than 20%. The number and range of units and uses is much reduced, and a much greater proportion of convenience floorspace is incorporated. The advice from the Council was that the town centre facilities that it envisaged for the Monkerton and Hill Barton Masterplan area should incorporate a significant proportion of convenience retailing. They have confirmed their view that the current proposals are materially different from the previous scheme and, unlike the Appeal scheme, would meet their aspirations for the new and existing communities on the east side of Exeter.
- 6.21 The Council has also confirmed that it now accepts that the current application site is the most appropriate location for facilities to serve both the emerging new communities and the substantial existing business community. It also accepts that there is an increasingly urgent and compelling need to deliver a hub of good quality facilities to serve the business community. Since the earlier applications, and the dismissal of the Appeal, the business community has continued to emphasise the importance of delivering such a hub to support an employment location that is an economic driver for the city and the wider region. In the interim period since the Appeal, no other credible proposals to provide a hub of town centre facilities has materialised, and it is accepted by the Council that there is no more suitable site in terms of accessibility to the communities that it is intended to serve, and having the profile that is essential to the prospective occupiers of the scheme that are critical to its delivery.
- 6.22 For reasons that are also discussed in the Retail Impact Assessment accompanying the current application, there has been a material change in circumstances affecting the Bus and Coach Station site since the previous Appeal, and therefore the site that is the principal focus for additional retail floorspace in accordance with the Development Plan. At the time of the Appeal, an application for outline planning permission for mixed use development, including retail and leisure uses, had been made. Outline planning permission was subsequently granted, and that was followed by reserved matters approval, albeit that the quantum of retail floorspace was substantially less than envisaged

in Core Strategy Policy CP8. More recently (September 2017), The Crown Estate / THRE, who were promoting the scheme, have announced that they are no longer able to progress it due to current market conditions. The press release issued by the intending developers that appears on the Princesshay web site states as follows:

The partnership was committed to providing a successful development for Exeter, which required the right mix of shops and restaurants to take the space. Unfortunately in the current market, many retailers and restaurateurs are now more cautious about making new commitments, particularly in proposed developments, which take more time to build and therefore require a commitment several years ahead.

- 6.23 The 'current market' conditions to which reference is made in the press release are strongly influenced by the continuing growth of internet shopping, now allied with economic uncertainties associated with Brexit. Those uncertainties also affect the prospects for delivering local facilities to serve the new and existing communities on the east side of Exeter, and necessitate a much smarter, and more flexible, approach to scheme location, scale and composition to ensure viability and deliverability.

- 6.24 It is now clear that none of the 30,000 square metres of comparison goods floorspace identified for the Bus and Coach Station site is likely to be delivered during the Core Strategy period. This has significant implications for meeting identified needs for retail and other town centre uses in full, the importance of which is emphasised in the NPPF (para. 23).

- 6.25 It is not a simple choice between providing town centre facilities on the Bus and Coach Station site or on the current application site. The opportunity cost of allowing Moor Exchange to proceed is not to frustrate the redevelopment of the Bus and Coach Station (a point accepted by the Secretary of State in the comparatively favourable market conditions at the time of the Appeal). The opportunity cost of Moor Exchange not being permitted to proceed is potential investment and expenditure in Exeter being lost, first and foremost, to internet sales, and to a lesser extent to alternative destinations away from Exeter.

- 6.26 The prospective anchor tenants for the current proposals all trade from multiple locations within the same catchment in order to maximise their market penetration. The convenience outlets are intended to serve relatively local catchments, and already have a presence in both the city centre

and other out-of-centre locations in Exeter. Next Home is a format that is focused on out-of-centre locations, and is designed to complement its town and city centre outlets in order to increase its overall market penetration within the catchment area through capturing expenditure that would otherwise be lost to internet sales. The company's own sales monitoring confirms that the contribution to overall group profits from its mail order and online sales has recently exceeded outlet sales for the first time.

6.27 In the current market conditions, Next is being extremely selective in its investment decisions for new stores, and will only contemplate those that will achieve optimum trading profiles. The proposals for Moor Exchange will replace their current out-of-centre outlet at Exe Bridges Retail Park, which is outmoded and of insufficient size to accommodate their new Home Format. The outlet at Exe Bridges was opened as a temporary expedient to relocate their city centre outlet during the redevelopment of Princesshay, but was retained as a second outlet following the reopening of their enhanced city centre offer in Princesshay. The trading nuances and profiles of the key anchor tenants in extremely challenging market conditions are important to understanding the need for flexibility in the interpretation and application of the provisions of the Development Plan in order to deliver its objectives for the Monkerton and Hill Barton Masterplan Area, and the wider area of east Exeter.

6.28 For the reasons outlined above, there have been material changes in circumstances in a number of key respects from the proposals that were dismissed on Appeal. Those material changes can be summarised as follows:

- *The Proposed Development:* the development proposals are materially different in that they incorporate a reduction in the overall quantum of floorspace (by more than 20%), a greatly increased convenience retail offer, and a much reduced range and diversity of uses. The Council accepts that the increased convenience offer brings the proposals into alignment with their policy aspirations.
- *Market Circumstances:* market conditions are now even more challenging than at the time of the Appeal given the continued exponential rise in on-line sales and uncertainties accompanying Brexit. This necessitates a much smarter and more flexible application of Development Plan policies if the objective to deliver facilities local to the east side of Exeter is to be realised.

- *Alternative Sites:* the Council now accepts that the application site is the most suitable and appropriately located site to deliver the policy objective to provide town centre facilities for the existing and future communities on the east side of Exeter, and that there are no more suitable alternative sites.
- *Need to support the Business Community:* the Council now accepts the compelling need to deliver a hub of facilities to support a sustainable business community on the east side of Exeter.
- *Retail Needs:* there is now no prospect of any retail floorspace to accommodate objectively assessed needs being delivered on the Bus and Coach Station site for the foreseeable future.

6.29 The proposals will therefore deliver the objectives for a hub of local facilities on the east side of Exeter that is part of the development plan strategy. The Council accepts the appropriateness of the site and scheme of development now proposed. Whilst it may still be deemed to be in *prima facie* conflict with the development plan by dint of its scale and composition, for the reasons outlined, there is an even more compelling need for flexible application of the plan, as foreshadowed by the Core Strategy Examination Inspector, to ensure the delivery of appropriate shopping and community facilities to serve the existing and future communities in this part of Exeter.

6.30 For the foregoing reasons there are material considerations that indicate strict adherence to the provisions of the Development Plan for a local centre as part of the Monkerton and Hill Barton Masterplan development, would be inappropriate, and that the overall objectives for sustainable communities are best served through ensuring a deliverable scheme in the nature of the current application proposals. Unless there are other material considerations that indicate to the contrary and outweigh the benefits, material considerations indicate that planning permission should be granted.

Release of Employment Land to Other Uses

6.31 The proposals are considered to be fully compliant with Policy CP2 of the ECS. First, and foremost, the application site is not allocated for employment use in a site-specific Development Plan Document. It is part of a strategic allocation that includes housing, employment and town centre

uses. A notional distribution of land-uses within the strategic site is indicated in the MHBMS. However, whilst ‘general regard’ is to be had to that guidance, it is not intended to be treated inflexibly and does not have the status or weight of a specific site allocation in a Development Plan Document. Only under the latter circumstances could the policy protection afforded by CP2 be deemed to apply. This was endorsed by the Council in their Statement of Case in connection with the Appeal against refusal of planning permission for the earlier application¹, in which their position was that:

The Masterplan Study does not form part of the Development Plan. It is evidence prepared by a design consultancy to support the Core Strategy and indicates one way the strategic allocation could be developed (Appeal ECC Statement of Case, para. 40).

- 6.32 The application site is therefore not allocated employment land. Although the site is identified, in part, for employment uses in the emerging Development Delivery DPD, in view of the early stage in the preparation of that document, and the objections that have been made to it, including to the employment allocation affecting the application site, it can be afforded very little weight at the present time.
- 6.33 In the Officer’s report in relation to the application (Ref: 13/01/2014) by IKEA for retail development within the Newcourt Strategic Site allocation, the Officer noted that the strategic allocation was not specific about the disposition of employment and housing uses within the area. The same principle applies in this instance. Moreover, since the distribution of land-uses must inevitably change from that indicated in the MHBMS in view of the constraints on delivering the required town centre uses on the identified sites, this provides the opportunity, and indeed imperative, to reconsider the location and distribution of residential, employment and other ‘required’ uses across the strategic allocation. The site proposed for the Pilton District Centre has now been granted planning permission for residential development, which will allow residential land elsewhere to be reconsidered for employment use.
- 6.34 In addition, the wider context should be taken into account, including the significant supply of employment land now available at the Exeter Science Park, Exeter Gateway, Skypark and Exeter Interchange, which are accommodating a significant quantum of Exeter’s growth, albeit in the neighbouring local authority area. Alder King define the Exeter ‘market’ as encompassing both

¹ PINS Ref: APP/Y/110/W/15/3005333

Exeter city and East Devon's west end. The key employment areas comprising the 'overall' Exeter market, and their contribution to the supply of employment land, are set out in the appended table (Appendix 2). The Exeter and East Devon Growth Point provides clear endorsement of how the market transcends administrative boundaries, and is intended to facilitate strategic growth across the market area.

- 6.35 Taking the contribution to the employment land supply from the key sites set out in Appendix 2, and assuming a net developable area of 70% allowing for servicing, landscaping requirements etc, leaves a residual net land supply of 101.5 hectares (251.3 acres). Assuming an average development density of 18,500 sq ft per net sq acre which equates to 4,649,050 sq ft across the entire net supply (251.3 x 18,500), results in a 9.97 year supply (4,649,050 sq ft ÷ 466,300) based on the last 10 years take-up across office and industrial sectors. The average annual take-up rate for the core strategy period to date amounts to 466,300 sq ft per annum. This period includes years of recession where take-up was reduced, but also included in the figures is the 500,000 sq ft take-up from the Lidl transaction which took place in 2016 to give an element of balance to the figure.
- 6.36 The above supply figure is based exclusively on employment land availability. It does not reflect the full market potential, which includes the availability of existing floor space and churn within the market. Based on Alder King's 2017 figures there was 0.98 years supply of office floor space and 0.75 years supply of industrial floor space, equating to an existing supply of 1.73 years.
- 6.37 'Market churn' is more difficult to quantify since it is based in the movement of occupiers and the amount of existing stock coming back to the market. A good example of market churn is the former Wheatons site on Hennock Road, Marsh Barton where a 4.2 acre site with 113,419 sq ft (10,537 sq m) of space was vacated following the failure of the Wheatons business. This site has been quickly transacted to a trade counter operator who will be redeveloping the whole to meet their own requirements. Given the transaction from instruction to completion happened between the summer and winter 2017 this is yet to appear in any figures quoted.
- 6.38 Having regard to the foregoing, the total supply of land and premises available in the Exeter employment market area can be summarised as follows:

Schedule 6.1 Employment Land Supply

Supply Component	Years Supply	
	Actual	Potential
Development Land	9.97	10.94
Existing Stock	1.73	1.73
Market Churn	1.73	1.73
Total	13.43	14.4

6.39 As is clear from the above summary table, there is an ample supply of employment land and premises to meet market demand for the foreseeable future. Even if the site was allocated specifically for employment development in a statutory development plan (which it is not), there is therefore not a compelling reason to retain it for such purposes. For reasons set out elsewhere in these submissions, the far more compelling need is to deliver good quality facilities for the existing and future business and residential communities in a location that has good accessibility by those communities that they are intended to serve. The 'relative need' is for the application site to be developed to provide retail and related facilities to support a sustainable local community. Therefore, in accordance with paragraph 22 of the NPPF, it should not be protected for employment use even if it were allocated for such.

6.40 For all of the reasons identified in earlier submissions, and as reflected in the emerging Development Delivery DPD, the application site is the most appropriate alternative location for providing the new facilities. There is an abundant supply of employment land to accommodate foreseeable requirements within the Exeter market, and the revised distribution of land-uses within the Masterplan area will not materially reduce its existing capacity for accommodating the alternative uses for which the policy framework provides.

6.41 Notwithstanding the foregoing, in relation to the proposed IKEA store the officer's conclusion was that the proposed development was in accord with the Core Strategy's definition of employment land and Policy CP2 on account of the following:

- the number of new direct jobs with gross value added;
- the wide range of job opportunities;
- the consolidation of Exeter as a retail destination;
- the enhancement of investor confidence in the city with consequential encouragement of further inward investment.

6.42 The same conclusions can, and should, be drawn in relation to the current application proposals. The application proposals will give rise to approximately 400 jobs. That is far in excess of what most uses within the 'B' classes would generate, particularly those in Class B8 to which a considerable element of the consented scheme relates. This is in addition to the employment that will be generated during the construction phase of the development. Moreover, the current application proposals will deliver over £40 million of investment in terms of construction and fit-out, and will therefore have very positive economic benefits for the city. In enhancing Exeter as a retail and leisure destination, the application proposals will also contribute to the enhancement of investor confidence in the city, with encouragement of further inward investment. The proposals will generate a CIL contribution of approximately £1.6 million. That has the potential to contribute significantly towards delivering wider community benefits, including the Council's ambitions for a leisure complex on part of the Bus and Coach Station site which is understood to be reliant on CIL funding (Exeter Express and Echo, 26 June 2014). Finally, by strengthening the east side of Exeter as a business location, which it is clear from the strong expression of support from the business community the proposals will do, they will enhance investor confidence and act as a catalyst for further investment.

6.43 Given that the current proposals are the consolidation of the proposals in the MHBMS for both the Pilton and Hill Barton centres, as well as facilities to serve the business community on the application site itself, the overall land budget will not be compromised. Moreover, it is a very material consideration that the application proposals will deliver approximately 400 jobs. That is a far higher density of employment than is likely to be achieved through development for purposes within the 'B' classes.

6.44 In conclusion on this matter, if the protection afforded by Policy CP2 is relevant to this site, which for reasons set out above is not accepted by the applicants, its release for the development proposed is not in conflict with the provisions of that policy. There is ample availability of employment land and premises to accommodate foreseeable requirements based on take-up rates reflective of a buoyant market that exceeds the average for the Core Strategy period to date and is unlikely to be sustained throughout the whole Core Strategy period. Moreover, the more compelling need is to deliver the quality facilities that are so urgently required to support the economic credentials of the east side of Exeter as a location for business, as well as the substantial future residential communities. The greater and most positive economic contribution is therefore in permitting the application proposals, rather than seeking to protect land that is not allocated for employment purposes and is not currently available for such purposes.

6.45 It is germane that, having considered the evidence, the Secretary of State held as follows in relation to the matter of employment land:

... (the) use of the site other than for offices would not be in direct conflict with policy CP19, there would be no harm to the supply of employment land in Exeter, and no significant conflict with the development plan².

He also acknowledged the economic benefits to which development of the site for town centre uses would give rise, including the creation of around 400 full time equivalent jobs and facilities for local businesses, and which he considered should be given 'significant weight'³.

6.46 In addition to the above, there is the material change in circumstances since the previous Appeal cited earlier, that being the Council's acceptance of the current application site as the most appropriate location for the provision of a hub of facilities to serve the existing and future communities on the east side of Exeter, and the imperative of such provision in terms of creating a sustainable business location as repeatedly expressed by the business community.

² APP/Y1110/W/15/300533, para. 16

³ Ibid, para. 24

Retail Considerations

- 6.47 Delivering development to enhance Exeter's position as a premier retail and cultural destination is a key strand of the Core Strategy 'vision' for Exeter. Policy CP8 of the ECS sets out the policy approach for the consideration of retail development.
- 6.48 Whilst the priority focus for retail development is the city centre, it is clear from Policy CP8, and the other policies outlined in Section 4, that some retail development will be permitted elsewhere, in response to the needs of local communities, to contribute to the delivery of sustainable growth, and in particular in association with the proposed urban extensions. This is consistent with the NPPF approach to aim for a balance and mix of land uses (see para. 4.10 above).
- 6.49 The application proposals are in accordance with Policy CP8 to the extent that it requires retail development outside the City Centre to be located in district or local centres. New centres are proposed as part of the Monkerton and Hill Barton strategic allocation and, as now accepted by the Council, the application site is now the preferred location for a new centre to serve the existing and future business and residential communities east of Exeter. That the strategic urban extensions allocated in accordance with Policy CP19 are sequentially preferred locations for retail development, has been endorsed by the Council's own retail consultants in previous advice in relation to the proposed Aldi store at Exeter Road, Topsham⁴.
- 6.50 The application proposals will therefore deliver retail and related facilities, that 'respond' to the needs of the local community, as part of a new centre for which provision is made in an adopted Core Strategy, as detailed through the MHBMS. In terms of location (if not scale), the proposals are therefore in accordance with Policy CP8 of the ECS.
- 6.51 It is also germane that the situation regarding the priority city centre site (the Bus and Coach Station) has evolved further since the previous Appeal decision. For reasons outlined earlier in this Statement it has not been possible to bring forward a viable scheme of redevelopment for that site, and it now seems unlikely that it will deliver any retail floorspace in the period to 2026. Moreover, the Council is now considering alternative uses for the site. The important objective stressed in the NPPF that needs for retail, leisure and other main town centre uses are 'met in full', is therefore at risk of not being upheld.

⁴ Letter from GVA to Exeter City Council dated 24 February 2015 in relation to Application Ref: 14/2083/03

- 6.52 In this changed context of the principal allocation in the development plan being of uncertain deliverability, it is of heightened importance to subject proposals in alternative locations that can accommodate some of the unmet need to the most careful scrutiny. This would seem to justify a more flexible approach in terms of scale subject to the relevant retail policy tests being satisfied.

Sequential Assessment

- 6.53 Given the specific intention of the proposals to serve the existing and future residential and business communities on the east side of Exeter, there is limited scope for accommodating them on sequentially preferable sites given their 'location-specific' purpose. As is clearly acknowledged in the Planning Practice Guidance:

Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. (Paragraph: 011 Reference ID: 2b-011-20140306)

- 6.54 It has been confirmed through both the call-in decision at Rushden Lakes (June 2014) and Appeal Decision at Baltic Wharf, Maidstone (July 2014), that the suitability of a site in locational terms for the purposes that the development is intended to serve is relevant to the determination of the suitability of sequentially preferable sites. This is both common sense and a matter of law as determined in *Regina v Braintree District Council Ex Parte Clacton Common Development Limited (1998) CO/1614/98*.
- 6.55 As has been outlined earlier, the key anchor tenants are already represented in the city centre, and have additional requirements in alternative locations to compliment their city centre outlets and maximise their catchment area penetration. In this respect there are further market and locational requirements that mean the proposed town centre uses can only be accommodated in the specific location of the application site.
- 6.56 The reasons outlined above provide the 'robust justification' necessary that the application proposals have particular market and locational requirements to be on the application site. Moreover, a location other than in the Monkerton and Hill Barton Masterplan Area would fail to achieve the Development Plan objectives to bring forward a mixed use development incorporating town centre uses to deliver sustainable communities. In accordance with the PPG, application of the

sequential test is therefore not 'appropriate' for the development proposed. Notwithstanding the foregoing, the sequential assessment undertaken for the purposes of the application, as reported in the Retail Impact Assessment accompanying these submissions, confirms that there are no sequentially-preferable alternatives associated with any of the existing centres within closest proximity to the site.

- 6.57 Whilst it would not provide for the new town centre facilities in an appropriate location to achieve their intended purpose, the Bus and Coach Station site is edge-of-centre in planning terms, and therefore potentially a sequentially-preferable site. It has been confirmed by the Council that this is the only site that is to be subject to sequential assessment. However, when subject to detailed scrutiny it has been shown how it is not a realistic option.
- 6.58 The difficulties experienced by Princesshay Leisure in achieving a viable scheme for the Bus and Coach Station site due to the lack of occupier demand, as cited earlier in this Statement, apply equally to any other intending developer of the site. As has been outlined earlier, the key prospective occupiers for Moor Exchange have specific locational requirements for the east side of Exeter, and to achieve a secondary presence in the city. They would therefore be neither willing nor able to anchor a scheme on the Bus and Coach Station site. Therefore the Moor Exchange scheme would be no more viable on the Bus and Coach Station site due to its inability to attract tenants to anchor the scheme in that location, than the scheme from which Princesshay Leisure has recently withdrawn for similar viability reasons. In this additional respect, the Bus and Coach Station is neither a suitable nor viable sequentially preferable site for the current application proposals.
- 6.59 It is not 'suitable' since, in addition to being inappropriately-located, it would fail to deliver the Council's aspirations for the site in terms of a comprehensive and coherent mixed-use development based on a network of open streets and spaces simultaneously with delivering a new bus station. Furthermore, the site is simply of insufficient size to accommodate the development proposed, which does not include a Bus Station which is a core requirement for the redevelopment of the site. In connection with the IKEA application it was accepted by Officers that as little as approximately 1.4 hectares was considered to be available. The basis of any sequential assessment is whether the site can accommodate the application proposal. This is reflected in the comments of the Inspector in the Rushden Lakes decision:

It is important to bear in mind that the sequential test as set out in NPPF(24) requires applications for main town centre uses to be located in town centres and it then runs through the sequence, edge and then out-of-centre. This makes good the very simple point that what the sequential test seeks is to see whether the application i.e. what is proposed, can be accommodated on a town centre site. There is no suggestion here that the sequential test means to refer to anything other than the application proposal. So Dundee clearly applies to the NPPF (Inspector's Report, para. 8.46).

- 6.60 As highlighted in the Retail Impact Assessment, the Council's aspirations for the Bus and Coach Station site now seem to have evolved away from those set out in the Development Principles Document published in 2012 towards a more leisure-focused development on a smaller site area, with parts of the site on which the 2012 principles were based having recently been disposed of for alternative development. These alternative aspirations, now reflected in the recent planning permissions that have been granted on the site, further reduce the suitability of the site as a sequentially preferable option for the development proposed.
- 6.61 The conclusions of the sequential assessment are that, *inter alia*, the Bus and Coach Station is intended to be developed for a range of uses including a swimming pool and leisure uses as well as a new Bus Station, which would be incompatible with the current proposals. The site simply cannot accommodate the proposed development as a whole and, even adopting a flexible approach, the requirements for other uses significantly reduce the available developable area. Moreover, the applicants would have to amend their scheme to accommodate the Council's core requirements for the development to include a Bus Station and Leisure Centre. As has been clearly established through the Rushden Lakes and other decisions cited in the Retail Impact Assessment, the test is whether what is proposed can be accommodated on the site and not whether the scheme can be changed to fit it, either physically or to accommodate the local planning authority's aspirations for a different complexion of development. That is beyond the reasonable requirements for the sequential test. If what is proposed would not meet the objectives for the site, then the site is simply unsuitable for the development proposed. That is the case in this instance.
- 6.62 It is germane that, in considering recent applications for foodstore development in the city, and in particular the proposals for the Morrisons store at Middlemoor in close proximity to the current application site, the Council has accepted that there were no suitable sequentially preferable sites for such development. It has been expressly accepted that the Bus and Coach Station is not a

suitable site for convenience foodstore development. Planning permissions have also been granted for discount foodstores for Aldi and Lidl in the same context. Given the convenience floorspace content of the current application proposals, including its intention to serve the new and existing residential and business communities on the east side of Exeter, the Bus and Coach Station is an unsuitable site for the proposed development. It is no more suitable for proposals that include a mix of convenience and comparison retailing, than it was for proposals comprising floorspace solely for convenience purposes, and which were better able to be accommodated within the developable area.

- 6.63 In addition to being unsuitable, the site is not 'available' within a reasonable timescale. It is not currently being marketed, and the Council has not disclosed its intentions following withdrawal of the Crown Estate. The latter retain part of the site, in addition to which there are a multitude of other freehold and leasehold interests which would require consolidation, possibly using CPO powers. Highway stopping-up orders would also be required to integrate any scheme on the site with the wider city centre, and to which the Crown Estate faced strong objections when progressing their, now abandoned, proposals for redevelopment. For all of these reasons it is concluded that the site is not available within a reasonable timescale. This conclusion is supported by the findings of the Secretary of State in a decision relating to Tollgate Village that is cited in the Retail Impact Assessment.
- 6.64 Finally, it is axiomatic that, since the site is demonstrably unsuitable and unavailable for the application scheme, it is, *de facto*, unviable. The site has been allocated as an opportunity for retail-led development for over a decade, and there is a legacy of schemes dating back to the 1990s and earlier, none of which has come to fruition. Even the Council's own retail consultants questioned the deliverability of a retail development on the site when rejecting it as a sequentially preferable option for the Morrisons store at Middlemoor, an assessment that the Council accepted.
- 6.65 The recent evidence surrounding the Crown Estate's withdrawal endorses the lack of viability of a retail scheme on the Bus and Coach Station site under current market conditions, including Brexit and the continuing growth in internet sales. It is unlikely that those circumstances will change in the foreseeable future. Given the purpose of the proposals for Moor Exchange, and the specific locational requirements of those who will occupy it, there is no scenario under which the proposals for the application site could viably be developed on the Bus and Coach Station site. To suggest

that it could be if planning permission is refused for the proposals at Moor Exchange, is to fundamentally misconstrue occupier requirements and the economics of retail development.

- 6.66 In the context of the 'location specific' need for the application proposals, it has been demonstrated how the Bus and Coach Station site is not a suitable, available or viable alternative to accommodate the application proposals. This is endorsed by the recent history culminating in the withdrawal of the Crown Estate from pursuing their proposals further. The application proposals are therefore compliant with the Sequential Test.

Retail Impact

- 6.67 In connection with the previous Appeal the Secretary of State accepted that the potential impacts on the vitality and viability of the city centre, and planned investment in it, were not such as to justify dismissal of the Appeal. Given that the city centre is underpinned by comparison goods retailing, and the current proposals comprise a lower quantum of comparison goods floorspace, there is no *prima facie* reason to anticipate an alternative conclusion in relation to the current proposals.
- 6.68 A health check of the City Centre and other relevant centres upon which the impact of the proposals might be felt, confirms their inherent strength. Exeter City Centre has experienced considerable investment in recent years through the redevelopment of Princesshay, the refurbishment and extension of 1-11 Sidwell Street to accommodate John Lewis, and more recently, the redevelopment of the Guildhall Centre to provide a restaurant quarter. These proposals have contributed to a strengthening of the City Centre during, and following, the recession, as reflected in its rise in the retail rankings between 2006 and 2014 from 35th to 24th. It is now the third highest ranked regional centre in the south west, having overtaken Plymouth and Cheltenham, behind only Bristol (15th) and Bath (19th). Vacancy rates are below the national average, retail rents remain higher than Plymouth and Bristol and are almost back to peak pre-recession levels, and further investment is planned and ongoing, most notably Aviva's further proposals for refurbishment of the Guildhall Centre.
- 6.69 The City Centre is therefore performing well, is of high environmental quality, and exhibits a good range and mix of national multiple retailers and independent stores. It is therefore performing very well, when assessed against all of the relevant indices, notwithstanding the difficult economic conditions of recent years. Moreover, there is evidence of continuing investment, in particular in the

in the Guildhall Centre for purposes of a ‘best in class’ retail and leisure destination. This will further enhance the vitality and viability of the city centre overall.

- 6.70 Set against the foregoing considerations, the impact assessment demonstrates that the impact on the city centre, and other relevant centres, will be negligible. As is acknowledged in the Retail Impact Assessment, there are two factors that the Secretary of State has held to be relevant. The first, adduced in the Rushden Lakes decision, is whether the turnover of key centres will be lower than at the base year as a consequence of the proposed development. The second, as set out in a decision at Scotch Corner, considers the numeric impact in the context of the wider health of the centres concerned.
- 6.71 In terms of the first consideration, no relevant centre will experience a turnover (in either convenience or comparison goods) at the design year of 2021 that is lower than at the base year. The health checks on relevant centres confirm that all are healthy and trading well. None gives rise to any concerns that would justify setting a higher trading impact bar than established through the Rushden Lakes decision. The conclusion is therefore that the proposed development would give rise to no significant adverse impacts in terms of trading performance.
- 6.72 Concern was expressed in connection with the earlier application about the impact on ‘planned’ or ‘committed’ investment in the city centre. In considering this matter it is important to first have regard to what is relevant investment for the purposes of conducting this assessment. The findings of the Inspector in the Rushden Lakes case are germane in this respect, and in which he held as follows:

Without a viable scheme there is no “planned” investment. ... the highest that Legal and General can put the case is that there is “intended investment”. But such inchoate aspirations do not fall within the NPPF [26]. (IR, para. 8.64(v)).

It is no answer to argue that “in principle” a viable scheme could be devised. NPPF [27] does not protect mere in principle intentions, but rather safeguards actual plans to invest. ... It would be foolish indeed to stop investment in an undoubtedly viable scheme at Rushden Lakes in order to protect a known-to-be unviable “scheme” at the Grosvenor Centre. (IR, para. 8.64(viii)).

*Legal and General argued that the NPPF does not require there to be a “scheme”. However, that misses the point. **In the absence of a scheme, there cannot be a viable scheme and consequently there cannot be “planned” or “committed” investment. At most there can be an intention to invest if, as and when there ever is a viable scheme but, this is not what the NPPF [26] is aimed at.** (IR, para. 8.64(ix) – emboldening added).*

- 6.73 With regard to the Bus and Coach Station site, this is a long-standing allocation for a mixed-use, retail / leisure-led redevelopment opportunity. It was allocated as an opportunity in the Exeter Local Plan Review that was adopted in 2005. Even before that time, the site has been subject to a number of applications for planning permission dating back to proposals in 1988 for a new shopping mall and bus station by the Burton Property Trust, with further proposals for mixed use (retail / leisure-led) redevelopment by ESN in 1995 and Stagecoach in 1999. None of these proposals has come to fruition, and it is understood that interest by others (not least Thornfield and Hammerson) has not progressed beyond feasibility stage.
- 6.74 The owners of Princesshay objected to the Appeal application in September 2014, and in which they alleged that they were ‘fully committed’ to the proposals for mixed use redevelopment of the Bus and Coach Station site in partnership with Exeter City Council, and that an application would be submitted in a ‘few months’ time. Notwithstanding that statement of commitment, shortly afterwards one of the Princesshay owners disposed of their interest in Princesshay and relinquished their interest in the site.
- 6.75 The new owners of Princesshay have subsequently secured outline and reserved matters approvals for redevelopment of the Bus and Coach Station site with a leisure-led, mixed use scheme. They appeared at the Inquiry into the Moor Exchange proposals as a Rule 6 Party and made a case that they would cause harm to planned investment. However, as outlined earlier in this Statement, the Secretary of State did not consider that any potential risk to planned investment in the Bus and Coach Station site was likely to occur, and did not consider that the Appeal should be dismissed on this basis.
- 6.76 As again outlined earlier in this Statement, since the previous Appeal decision Princesshay Leisure has subsequently withdrawn from the Bus and Coach Station scheme for which they secured

planning permission, and publicly stated that, under current market circumstances, they are unable to achieve a viable scheme comprising retail and leisure uses. Following the principles established at Rushden Lakes, given the recent evidence surrounding Princesshay Leisure's withdrawal from the scheme for which they secured planning permission on grounds that it was not a 'viable' scheme, there is currently no planned or committed investment on the Bus and Coach Station site. There, is in consequence, no such investment on which the current application proposals could impact. Moreover, for reasons adduced in relation to the Sequential Test, the current application proposals would not be viable on this edge-of-centre site.

- 6.77 The Retail Impact Assessment therefore confirms that there is no reason to conclude that the current application proposals justify a departure from the findings of the Secretary of State in connection with the earlier Appeal. There will be no adverse impacts on the vitality and viability of any relevant centre, or planned investment in them, to justify refusal of planning permission.

Transportation and Accessibility

- 6.78 The Transportation Assessment accompanying the application confirms the existing good accessibility of the site by non-car modes and that the proposed development is well-positioned to capture 'walk-in' trade from the substantial local employment community, the existing and substantial future residential communities to the north and west of the site, as well as diversion of 'pass-by' trade.
- 6.79 There are already well-placed bus-stops served by frequent services within walking distance from the site. Furthermore, there is a network of existing cycle routes into which the site can connect providing good accessibility to a substantial part of the city within 15 minutes.
- 6.80 The site is therefore a highly accessible location in transportation terms. As such, it is well-located to minimise travel demands, and indeed to reduce car-borne trips currently generated due the lack of local facilities.
- 6.81 The assessments of highway and junction capacities confirm that those most affected (Fitzroy Road / Honiton Road) have sufficient capacity to accommodate the development traffic. The impact on other relevant junctions in the wider network will be either minimal or negligible. Although the impact assessment indicates that trips at the Fitzroy Road / Honiton Road junction are higher than with the consented scheme of development for the site, there will be a reduction in traffic on the

wider network during peak periods, including the critical Moor Lane Junction and M5 Junction 29, owing to diversion of 'pass-by' trips. The complexion of the proposed development is such that there is expected to be a high proportion of cross-visitation between uses within the site, thereby reducing the need for multiple trips and further reducing the impact of the development in transportation terms. Moreover, given that the Council has now resolved that the connection to the residential development to the north will be restricted to buses, there will be no additional loading on the Fitzroy Road/Honiton Road junctions from the Masterplan area as originally envisaged.

- 6.82 The application proposals are therefore fully compliant with the accessibility requirements of relevant retail policies, and will not give rise to residual cumulative highway impacts that are severe. On the contrary, due to the diversion of 'pass-by' trips and 'containment' on the site, particularly during peak periods, the residual cumulative impacts of the proposed development are likely to be positive. These positive impacts will be further enhanced through the proposed carriageway widening as part of the current application along the Honiton Road frontage of the site to extend the eastbound flare, which will increase the efficiency of lane usage at the eastbound approach to the Fitzroy Road signals. These works will offer wider network improvements. Moreover, by dint of their location in relation to a substantial existing employment community which is currently poorly served by retail and related facilities, they will promote a balance and mix of uses that will provide opportunities to undertake day-to-day activities in the same locality, and thereby reduce travel demands through trip linkage and multi-purpose trips.
- 6.83 The proposals are therefore considered to be positively aligned with both national and local transportation policies, and with the strategic objectives of the ECS as detailed through the MHBMS. Central to those objectives in transport terms is to provide new and improved community facilities in a timely manner, and in appropriate, accessible locations commensurate with the locus of need, with preference being given to provision as part of district or local centres. The proposals are fully policy compliant in these respects, and derive strong support from them, in particular Policy CP10 of the ECS.
- 6.84 The traffic impacts of the previous application for a greater quantum and range of retail and related facilities on the site were found to be acceptable, a position that was endorsed by the Secretary of State on Appeal. Since that time it has been confirmed that the connection through the site from the substantial residential communities to the north will be restricted to sustainable transport modes

(bus / pedestrian / cycle), which will reduce traffic impacts on the Fitzroy Road/Honiton Road junctions.

- 6.85 The proposed development is therefore considered to be entirely acceptable in terms of highway and transportation impacts.

Other Material Considerations

Flood Risk

- 6.86 A Flood Risk Assessment (FRA) has been carried out and submitted as part of the application. The proposed development area of the site is located within Flood Zone 1 (Low Probability of Flooding) as indicated on the Environment Agency's Flood Mapping tool. The FRA demonstrates that, with the input of mitigation measures and infiltration systems, the proposed development of the site represents no increase in off-site surface water runoff rates. A slight reduction in the theoretical greenfield peak runoff rates to off-site water courses is achieved by collecting the developed impermeable areas and directing the runoff to soakaway systems. The proposals, therefore, fully comply within the guidance within the NPPF, particularly paragraphs 99 and 103, ECS Policy CP12 and ELPFR Policy EN4.

Arboriculture, Ecology and Biodiversity

- 6.87 The site lies outside any areas that have been designated or defined for their wildlife value. The site itself is not covered by any designation designed to protect wildlife or habitats. There are no statutorily designated conservation sites within 2 kilometres of the site. The application is accompanied by a Preliminary Ecological Appraisal. The likely impacts of the proposed development have been discussed in detail within this appraisal. Hedgerows are the main feature of biodiversity value on the site. These will be retained and enhanced where possible in the detailed design of the scheme. The site is not close to significant woodland or water bodies. The likely biodiversity impact of the development is minimal. If necessary, a landscape plan, incorporating biodiversity enhancement measures, can be secured by attaching a condition on any planning permission granted. The proposals, therefore, fully comply with the guidance within the NPPF, particularly paragraph 109, the overall aim of the ECS to preserve biodiversity, and in particular ECS Policy CP17.

Air Quality

- 6.88 The Air Quality Assessment (AQA) accompanying the application concludes that the impact of the proposed development would not be such as to preclude achievement of all of the air quality objectives in the vicinity of the application site. Although the site is not within an Air Quality Management Area (AQMA), consideration has been given to the impact of the proposed development on the designated area on Honiton Road to the west of the site. The assessment concludes that the impact of any additional traffic to which the proposed development might give rise will have a negligible impact on local air quality, both adjacent to the application site and in the AQMA.

Heritage Assets

- 6.89 The site is neither within, nor adjacent to, a Conservation Area, nor are there any listed buildings within its vicinity. With regard to below ground heritage assets, the geophysical survey submitted with the earlier application for outline planning permission has been resubmitted with the current one. A condition of planning permission of the earlier outline planning permission relating to the site required a written scheme of Archaeological investigation. As is confirmed in the correspondence from Cotswold Archaeology, that investigation was undertaken, submitted and approved by the Council and has completed all necessary archaeological work and reporting relating to the site.
- 6.90 The proposed development does not therefore give rise to any adverse impacts on heritage assets.

Conditions of Planning Permission

- 6.91 It is for the local planning authority to identify conditions of planning permission that it considers necessary to enable a proposed development to proceed. In this they must be mindful of the need to maximise flexibility to respond to prospective occupier requirements in challenging market circumstances.
- 6.92 Whilst not inviting the imposition of conditions that restrict the composition of the approved scheme, if the Council considers restrictions to be reasonable and necessary within the terms of the relevant tests for imposing conditions, the Applicants would suggest that they be limited to the following:

- A minimum of 3,809 sqm (GIA) of the retail (Class A1) floorspace hereby authorised to be used for the purposes of convenience retailing.
- The retail (Class A1) floorspace hereby authorised to be comprised in a maximum of 10 No. separate units.

6.93 It is anticipated that a full suite of conditions will be discussed and agreed prior to determination of the application.

The Planning Balance

6.94 For the reasons set out above the proposals are considered to be in broad accordance with the ECS which allocates the site for development as part of a mixed-use, urban extension, to include retail and leisure facilities to be incorporated in new centres, and to respond to the needs of local communities. The ECS is the most up-to-date strategic planning policy framework for the area, and supersedes the provisions of the time-expired ELPFR in which the site is within a landscape protection designation.

6.95 It is accepted that the ECS contemplates that the town centre facilities provided for in the policy framework to deliver a sustainable new community will be of a scale and complexion akin to a local centre as defined in planning policy at the time that the policy framework was prepared and adopted. However, it is also the case that the policy does not restrict either the quantum of floorspace or the range of facilities that can be provided, and the Examining Inspector anticipated flexibility in its interpretation to allow for the delivery of an 'appropriate' level of shopping and community facilities.

6.96 The Appeal Inspector acknowledged there to be no doubt that the ECS has broad objectives, including new facilities on the eastern side of Exeter, that it intends flexibility, and should not be interpreted rigidly, whilst also noting that the reference to retail at Monkerton and Hill Barton should not be unlimited⁵. He also noted the fact that the Council had elsewhere departed from Policy

⁵ APP/Y1110/W/15/3005333, IR, para. 11.4

CP19 where other considerations were weighed in the balance, demonstrated the use of flexibility rather than total disregard for policy⁶.

6.97 Starting with the ECS provision for a local centre, there is no reason why, weighing other considerations in the balance, the Council should not demonstrate flexibility in this instance in order to ensure the delivery of facilities that will achieve the objectives for sustainable residential and business communities on the east side of Exeter. Those other considerations that should now be weighed in the balance and justify a departure from the previous decisions have been outlined in the foregoing submissions, and can be summarised as follows:

- The overall reduction in size of the scheme (by more than 20%);
- The greater balance between convenience and comparison goods floorspace and reduced range and diversity of uses;
- The need for a smarter and more flexible approach given current market conditions to ensure deliverability.
- Acceptance of the application site as the most suitable location for town centre facilities, and the only one now suitable, available and deliverable within the Monkerton and Hill Barton Masterplan area.
- An overwhelming and now urgent need to deliver a hub of facilities to support a sustainable business community.
- The prospect of no town centre uses being delivered on the allocated strategic site during the plan period.

6.98 Weighing the above considerations in the balance, against the starting point of the provisions of the Development Plan, it is concluded that the Council is justified in exercising flexibility in order to deliver the objectives for sustainable communities. The Secretary of State previously accepted that

⁶ Ibid, IR, para. 11.7

there would be no consequential harm to existing or planned investment such that planning permission should be refused. The assessments accompanying the current proposals confirm that, given the increased proportion of convenience floorspace, the impacts elsewhere will be reduced.

- 6.99 Whilst the proposals may exceed the type of centre that is contemplated in the Development Plan, it will deliver the benefits for sustainable residential and business communities intended. It is a matter for the decision maker, and therefore the local planning authority, to decide whether, on balance, material considerations now indicate that planning permission should be granted.
- 6.100 At the time of the previous application the Council indicated that a scheme that incorporated a greater proportion of convenience retail floorspace could tip the overall planning balance in its favour. That was communicated in an E-Mail dated 23rd September 2015 from the Council's retail advisors, GVA, and which it indicated could be sufficient to outweigh the policy conflict in terms of the proposals exceeding the definition of a local centre. At the time, the applicants were unable to entertain that change to the proposals since there was simply no convenience floorspace requirement in the market, and it would therefore have resulted in a scheme that would be incapable of implementation given the lack of occupier demand for a key component of it. However, it is clear from this communication that, even at that time, and in the context of no change in any of the other prevailing circumstances, a scheme that incorporated a greater proportion of food retailing would be a better fit with the Council's aspirations, and was likely to tip the balance in favour of the proposals. Therefore, based on their previous position, the Council would be fully justified in finding the change in scheme composition alone a sufficient material change in circumstances to justify an alternative decision on this occasion even assuming all other material considerations remained unchanged.
- 6.101 The overall conclusion is therefore that the previous decision of the Council was finely balanced, and had there been an operator requirement for additional convenience floorspace at the time which the applicants had been able to reflect in the scheme, the outcome of the second application might have been different. Given the material change in other circumstances alongside those of scheme composition that now pertain, the Council is fully justified in coming to a different view based on the overall balance of considerations.
- 6.102 The public benefits of the proposed developed as foreshadowed in the strength of support for the proposed facilities from those that will use them, as expressed through the previous application, should not be under-estimated and should properly carry substantial weight in the decision. The

submissions made in support of the previous application by the business-leaders in the local area, key extracts from which are reproduced in Appendix 1 to this Statement, represented the voice of many thousands of personnel who work on the east side of Exeter, and who currently are extremely poorly served by facilities. A clear and repetitive message in the voice of the employment community that was made through the representations is that the lack of a range and choice of good quality facilities is a structural weakness of the east side of Exeter as a business location and the strategic ambitions to consolidate it as such, and in this respect it compares very unfavourably with the city centre where employers and employees have access to a very extensive range and choice. The Secretary of State acknowledged that the economic benefits of the scheme, including the creation of around 400 full-time equivalent jobs and facilities for local businesses, should be afforded 'significant' weight in the decision.

6.103 Following the principles established in the Rushden Lakes decision, it would therefore be foolish to stop beneficial investment in a viable (out-of-centre) scheme for which there is overwhelming support from those who will use, and benefit from, it, and to which significant weight should be given, in order to protect proposals have now been shown to be manifestly unviable. The application proposals will not only deliver direct economic benefits themselves, but indirect ones by strengthening the east side of Exeter as a business location and alleviating a key structural economic weakness. The only objections to the previous application proposals were from those who have a potential stake in the Bus and Coach Station scheme, or in other investments in the city, and whose motivation was clearly to avoid commercial competition. Even the Chamber of Commerce, whose remit is to support beneficial investment in the city, previously lent their support to the application proposals and did not consider that they would give rise to any adverse trading impacts.

6.104 In effect, the impact of the proposals on the economy of Exeter is likely to be extremely positive. Whilst the impact assessment follows a conventional and accepted methodology for assessing trade draw within the catchment area of the proposals, it is based on resident households who are potentially likely to use the facilities. In this instance, the development is likely to draw a large potential clientele from beyond the catchment area to which the household survey relates in the nature of a substantial workforce that commutes into the catchment on a daily basis. To the extent that this daily enhancement of the catchment population is from outside the City and undertakes spend at the site, it will enhance the expenditure available to the scheme and result in additional expenditure in the City that would otherwise be lost to locations outside and beyond the catchment

area, or to online sales. In view of the scale of the local employment base and associated workforce, the daily uplift of expenditure in the catchment area that isn't reflected in the results of the household survey is likely to be very significant and to provide a substantial economic enhancement to the local economy of Exeter. This is endorsed by the substantial volume of support from local business leaders that was received in relation to the earlier application.

- 6.105 The proposed development will therefore promote a competitive centre that will provide customer choice, and in this location, essentially an alternative to on-line purchases, and in so doing will not occasion 'significant adverse' impact on any existing centre or on planned investment within them. The overall quantum of floorspace proposed at the application site, and the consequential range of offer and facilities, is a fraction of that contained in the city centre. In any commonsense view, it cannot therefore be perceived as a competing retail or leisure destination, and the evidence in the Retail Impact Assessments accompanying both the previous and current applications endorses this position. This was accepted by the Secretary of State his findings in relation to the Impact Test. Given the changes in the scale and composition of the current proposals, the impact on existing investment is reduced.
- 6.106 The proposed development will uphold key national and local planning policy objectives to deliver balanced communities that are well served by community facilities, and in so doing will meet an acknowledged need for new facilities to serve the east of Exeter, including the substantial existing business community as well as the future residential population that is planned in the locality. It will strengthen Exeter as a retail destination overall, and contribute to the attractions and success of the locality as a business location.
- 6.107 The proposals are therefore positively aligned with the core NPPF principle to proactively drive and support sustainable economic development. They will also uphold the local strategic vision and objectives to deliver development to enhance Exeter's position as a premier retail and cultural destination, and to provide retail and related facilities that respond to local needs.
- 6.108 Notwithstanding, and without prejudice to, the foregoing, for reasons summarised below the proposals are demonstrably in the nature of sustainable development when assessed against the policies in the Framework taken as a whole (paragraphs 18-219) in consequence of:
- Delivering economic growth and new business investment, thereby contributing positively and directly to building a strong, competitive economy;

- Promoting competitive town centres that provide customer choice and a diverse retail offer and that will provide a heart to the community, whilst protecting the vitality and viability of other centres in the hierarchy;
- Planning for a balance and mix of land uses to encourage people to minimise journey lengths for employment, shopping, leisure and other activities and provide opportunities to undertake day-to-day activities in the same vicinity, thereby promoting sustainable transport;
- Planning positively for the achievement of high quality and inclusive design, including individual buildings and associated public spaces, that will raise the benchmark standard of community facilities in the locality;
- Promoting healthy communities through delivering mixed use development and a strong hub of facilities which will attract and bring together those who work, live and play in the vicinity;
- Protecting Green Belt land since the site is not in the Green Belt or other development restraint designation;
- Providing measures to support a low carbon future, and not resulting in development on land that is at risk of flooding, or that increases flood risk;
- Conserving and enhancing the natural environment through avoiding valued landscapes and habitats, and land away from existing settlements;
- Conserving and enhancing the historic environment through avoiding harm to heritage assets;
- Being consistent with the NPPF objectives for plan making and decision taking.

6.109 The proposals are therefore very closely aligned with the core planning principles set out in the NPPF that are intended to underpin both plan making and decision taking (paragraph 17). The site is identified for development in the adopted Core Strategy, as part of a strategic allocation that includes provisions for town centre facilities, and the proposals will contribute towards enhancing and improving the places in which the existing and future communities live their lives. They will proactively drive and support sustainable economic development to provide the thriving local place

that is needed, and will secure high quality design and a good standard of amenity for existing and future occupants of land and buildings.

- 6.110 The proposals will promote the vitality of the main urban area of which they are a part, and will cause no harm to either Green Belts or the intrinsic character and beauty of the countryside. They will support the transition to a low carbon future in a changing climate, taking full account of flood risk, and avoid harm to heritage assets. Moreover, the land allocation of which the site forms a part prefers land of lesser environmental value by protecting the ‘picturesque ridge’ character area to the north of the site.
- 6.111 The proposals promote mixed use development, and are aimed at delivering sufficient community and cultural facilities and services to meet local needs. They will actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling by focusing significant development in a sustainable location that is highly accessible to the existing and future communities that it is intended to serve.
- 6.112 When assessed against the policies in the Framework taken as a whole, there are therefore no adverse impacts that would significantly and demonstrably outweigh the benefits. Moreover, there are no specific policies in the Framework that indicate that development should be restricted. Footnote 9 does not apply.
- 6.113 As such, the proposals are positively aligned with the three dimensions of sustainable development set out in the NPPF – economic, social and environmental – as follows:
- **Economic role:** the proposals will contribute to building a strong, responsive and competitive economy by ensuring land for town centre uses is available in the right place and at the right time to support growth.
 - **Social role:** the proposals will support a strong, vibrant and healthy community by creating a high quality built environment, with accessible local services that reflect the community’s needs, and, strongly expressed aspirations, and support its health, social and cultural well-being.

- **Environmental role:** the proposals will utilise land that avoids harm to the natural, built and historic environment, and will help to mitigate and adapt to climate change, including moving to a low carbon economy.

6.114 The proposals will therefore support the roles for planning jointly and simultaneously. The Secretary of State acknowledged the economic and social benefits of the previous proposals, and that they should be afforded significant weight. Whilst his conclusion was that there would be environmental harm, albeit to which limited weight should be given, that was in the context of his finding that there was a more accessible, sequentially-preferable site. If it is now accepted that the Bus and Coach Station cannot be construed to be a suitable and viable alternative site, then the limited environmental disbenefit is likely to be reversed through the provision of accessible facilities local to the community that they are intended to serve, thereby reducing travel demands to more distant destinations.

6.115 For all of the foregoing reasons the proposals are considered to be sustainable development, and therefore benefit from the 'golden thread' presumption in their favour that is at the heart of the NPPF.

7 Conclusions

- 7.1 Having regard to all of the foregoing considerations it is concluded that the application proposals are in the nature of sustainable development, and should therefore be granted planning permission in accordance with the 'golden thread' presumption that runs through the NPPF.
- 7.2 The proposed development is in accordance with the ECS to the extent that the site is part of a strategic allocation for mixed-use development, including new town centre uses. The Masterplan for the area, to which 'general regard' is to be had, provides for both a district and local centre, together with separate provision for business community facilities. It has now been accepted that neither of the new centres identified in the Masterplan is deliverable. Therefore the combined provision for district and local centre facilities which will also serve the business community as well as the wider area of east Exeter, which the current application incorporates, is in accordance with the intentions of the strategic policy framework as detailed through the MHBMS and interpreted flexibly as intended by the ECS Examination Inspector.
- 7.3 The Core Strategy Examination Inspector emphasised the need for flexible application of both Policy CP19 of the ECS and the Masterplan to allow for appropriate provision of shopping and community facilities. The current application proposals will deliver such appropriate provision that respond to the needs of local communities.
- 7.4 A Sequential Test has been undertaken, which has demonstrated the lack of sequentially preferable alternatives. For similar reasons that caused the recent withdrawal of Princesshay Leisure from their involvement in the Bus and Coach Station site, the current application proposals would not be viable in that location. Moreover, to locate the proposed development elsewhere would defeat its intended purpose to provide facilities to serve the MHBMS area and the wider east side of Exeter, the compelling need for which is accepted by the Council.
- 7.5 The retail impact assessment has demonstrated the strength of Exeter City Centre, in which significant investment has been made in recent years, and is continuing to be made, as well as other centres on which the proposed development could potentially impact. The assessment confirms that there will be no harm to the vitality and viability of existing centres, and no significant adverse impact on the retail hierarchy of Exeter and its wider catchment.

- 7.6 Having regard to all of the foregoing considerations there is unlikely to be any discernible impact of the application proposals on Exeter City Centre, particularly having regard to the interim, actual growth in expenditure between the base and design years, which growth alone will exceed the overall turnover of the proposed development by a considerable margin. Even allowing for the cumulative impact of all committed developments, taken in conjunction with the application proposals, city centre retail turnover will be 12% higher at the design year absent population, and associated expenditure, growth associated with new residential developments during that period.
- 7.7 With regard to 'planned investment', given that there is no viable scheme for the Bus Station site, there is no 'planned' or 'committed' investment on which the proposed development will impact. In any event, the Secretary of State previously concluded that refusal of planning permission on grounds of impact on existing and/or planned investment was not justified. Given the reduced scale and diversity of the current proposals, and the increased proportion of convenience floorspace, any impacts are proportionately reduced.
- 7.8 Overall, based on any commonsense view having regard to the nature of the current application proposals and their scale and range of offer in relation to the city centre, they cannot be perceived as a competing destination. This is endorsed in the robustly evidenced retail impact assessment, which confirms that there will be negligible impact let alone anything approximating to harm that is 'significant adverse'. As such, there is no basis in retail policy for refusing planning permission for the current application proposals.
- 7.9 Since neither the allocated City Centre site is likely to deliver the quantum of retail floorspace for which provision is made in the ECS, nor are the two centres identified in the MHBMS deliverable, the application proposals will contribute towards the important objective to ensure that needs for retail, leisure and other town centres uses are 'met in full' (NPPF, para. 23). They will therefore contribute to the overall attractiveness of Exeter as a retail and leisure destination, and therefore will further a key strand of the strategic 'vision' for Exeter to enhance its position as a premier retail and cultural destination. In the context of continuing exponential growth in internet shopping, the corollary of Moor Exchange not proceeding is not that expenditure will be made in the city centre; rather it is that expenditure will be made on-line rather than in Exeter. This requires a much smarter and more flexible approach to retail development, that has greater regard to the locational

requirements of retailers, and in particular those for multiple trading locations and different formats within the same catchment area.

- 7.10 The site has very good accessibility by sustainable transport modes, with frequent and established bus services running along the adjacent Honiton Road / Fitzroy Road and a well-developed network of pedestrian and cycle routes in the locality. The infrastructure that will be developed as part of the strategic development to come forward on land to the north will further enhance permeability and accessibility. Moreover, the site has good accessibility to the established business community in the locality.
- 7.11 The application proposals derive strong support from both national and local planning policy objectives to aim for a balance of land uses to minimise travel requirements. This is particularly so in connection with larger scale residential developments where the emphasis is on providing a mix of uses in order to provide opportunities to undertake day-to-day activities in the same vicinity. Moreover, through diversion of ‘pass-by’ trips and ‘containment’ at peak periods on the network, the proposals are likely to have positive benefits in terms of reducing congestion at key junctions.
- 7.12 The current application proposals will deliver a high quality hub of facilities of a scale that is necessary to achieve a viable and deliverable scheme that will fulfil its intended purposes, that will raise the benchmark standard of retail and related provision on the east side of Exeter. They will support the delivery of the strategic and Masterplan objectives, and remedy the existing deficiencies of the area in terms of the lack of town centre facilities for the substantial existing business community. In doing so, the application proposals will contribute to sustaining and enhancing the attractiveness of the Sowton Industrial Area and Exeter Business Park as business locations. These are real benefits that are strongly supported in the very substantial and unanimously positive support from the local employment community expressed in connection with the earlier application. It is a material consideration that is deserving of very significant weight, as endorsed by the Secretary of State in relation to the previous Appeal.
- 7.13 The application proposals will therefore deliver and support economic growth, and are sustainable development. As such, in accordance with the NPPF, planning should operate to encourage and not act as an impediment to them, and significant weight should be placed on the need to support them.

- 7.14 There are no contrary material considerations that outweigh the benefits and indicate that planning permission should be refused. The proposals are positively aligned with the three dimensions of sustainable development outlined in the NPPF, and will therefore support the roles for planning jointly and simultaneously.
- 7.15 The application proposals therefore benefit from the 'golden thread' presumption in favour of sustainable development. Accordingly, they should be approved (NPPF, para. 14).

List of Appendices

- 1 Summary of Business Community Support
- 2 Exeter Employment Market Area_Key Sites



APPENDIX 1

SUMMARY OF BUSINESS COMMUNITY SUPPORT



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 minibuss 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 employees 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 people's 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 Tesco's 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 ideal 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 area, 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 have 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.”



APPENDIX 2

EXETER EMPLOYMENT MARKET AREA KEY SITES



Site	Area (Hectares)
East of Exeter Business Park	2.0
St David's Station Car Park	0.4
Eastern Fields (South East)	3.3
Pynes Hill	0.71
Matford	2.38
Exeter Business Park	0.18 ¹
Intermodal Exchange	50.55
Skypark	36.8
Science Park	25.0
Exeter Gateway Office Park	4.05
Enfield	3.0
Waldrons Farm	0.97
Exeter Airport Business Park	5.3
Cranbrook	5.76
Peamore Industrial Estate	5.12 ²
Total Supply	145.2³

¹ Potential additional 0.939 ha – Grenadier 29 Plot undelivered

² Potential additional 13.35 ha – subject to Appeal

³ Potential 159.8 ha

