

ITEM NO. 8**COMMITTEE DATE:****31 OCTOBER 2016****APPLICATION NO:**

16/0872/03

FULL PLANNING PERMISSION

APPLICANT:

Mr Cotter

CDS Superstores (International) Ltd

PROPOSAL:

Extension to retail warehouse of 1,363 sq m (GIA) to be used primarily for the sale of garden centre goods, poultry and pet products, and decorative items including housewares and gardenware (Use Class A1), with ancillary internal cafe (190 sq m), following demolition of wall/fence, and provision of ancillary air conditioning plant to the rear of the existing building (revised description).

LOCATION:

Former B & Q Retail, Alphington Road, Exeter, EX2 8HG

REGISTRATION DATE:

01/08/2016

EXPIRY DATE:

31/10/2016

HISTORY OF SITE

The existing retail warehouse was granted outline planning permission with conditions on 02.10.1986 by the Secretary of State following an appeal for non-determination within the appropriate period (ref. 85/1023/01) (appeal ref. T/APP/Y1110/A/85/040173/P6). The reserved matters were approved the following year on 18.03.1987 (ref. 86/1052/02).

Condition 3 of the outline permission restricted the gross external floor area of the building to a maximum of 40,000 sq ft (3,716 sq m) and garden centre to a maximum of 10,000 sq ft (929 sq m).

Condition 5 of the outline permission restricted the sale of goods from the premises to:

- Carpets
- Furniture
- Electrical goods
- Sanitary ware including bathrooms, kitchen and bedroom units
- Decorative products including ceramic tiles, wallpapers, paint and floor coverings
- Timber wall boards, packs of sand and cement, guttering and pipes, doors and other building materials and home improvement goods
- Tools and equipment
- Garden supplies and associated items
- Auto parts
- Sports goods
- Chandlery and marine accessories
- Hobbies and toys

Condition 8 of the outline permission restricted the time of retail sales to the hours of 9am to 8pm Mondays to Saturdays inclusive and 9am to 6pm on Sundays and Bank Holidays.

The additional relevant planning history is shown below:

88/0006/03 -	Part change of use to form tyre service depot for storage, distribution, fitting & repair of tyres, batteries	REF	15/03/1988
94/0371/03 -	Erection of non-food retail outlet including alteration to existing car park and entrance to B & Q building and relocation of garden centre	PER	07/07/1995
95/0517/03 -	Erection of service yard canopy	PER	31/08/1995

- 16/0984/03 - Removal of Condition 3 regarding building's floor space limitation, variation of Condition 5 redefining goods to be sold from the premises and variation of Condition 8 to allow extended hours of opening to 9 PM Monday to Saturday of Planning Application 85/1023/02 allowed at appeal on 2 October 1986 (revised description). Pending
- 16/0993/03 - Change of use of part of retail warehouse service yard to external garden centre (ancillary A1 use), insertion of glazed doors on Northeast elevation of warehouse and erection of 3M fence. Pending

DESCRIPTION OF SITE/PROPOSAL

The application site comprises the vacant retail warehouse (3,716 sq m GEA) formerly occupied by B&Q together with all associated land, including car park, service yard and garden centre in Alphington. It is bounded by the railway line to the north, allotments to the east, residential properties in Edwin Road and St Andrew's Church to the south, and Alphington Road, Aldi and Iceland to the west. The site is in Flood Zone 3. Prince's Square Conservation Area adjoins the site to the west, but there are no other above ground heritage assets within the immediate vicinity. There are TPO'd trees (TPO No. 537) to the west of the site fronting Alphington Road and the access to the car park. The site is in an out-of-centre location and is undesignated in the adopted Local Plan and Core Strategy. The new extension will be sited on the former garden centre and the air conditioning plant will be sited to the rear of the existing building.

The application has been submitted at the same time as an application to vary conditions of the original planning permission for the retail warehouse and an application to change the use of part of the service yard to garden centre to allow beneficial occupation by The Range. The documents state that the store will become the company's primary retail outlet in the city, but the existing store (4,100 sq m gross) will be retained with a different retail offer. As extended, the retail warehouse will have a gross floor area of 5,079 sq m (4,146 sq m net sales).

This application proposes to build an extension to the retail warehouse on the site of the former garden centre adjacent to the access to the site. It will have a gross internal floor area of 1,363 sq m, including 190 sq m ancillary café. It will have doors on the north and west elevations providing potential additional customer entrances from the car park and existing footway. The overall height of the extension will be 5m; this is lower than the existing building which is approximately 8m. However, part of the north, west and east elevations will be 6m high, with 700mm depth recessed windows. The frontage of the extension will be clad in Rockpanel Chameleon in red-gold-purple assortment, which changes colour depending on the angle it is viewed. The remainder of the extension will be clad in light grey coloured panels.

The application has been revised to include air conditioning plant behind the existing building. The design of the extension was also revised. The car parking layout will be slightly amended to improve pedestrian access with the resultant loss of four spaces (net).

The application includes part demolition of the wall/fence around the former garden centre. This has been carried out and the plant has also been installed, so the application is retrospective in part.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Design and Access Statement (superseded)

Additional Information Submitted During Application

- Design and Access and Heritage Impact Statement (MWA) (August 2016)
- Supporting Planning and Retail Statement (MWA) (August 2016)
- Plant plan – Mechanical Bases Ground Floor ref. M401 (August 2016)
- Flood Risk Assessment & Drainage Strategy (RMA Environmental) (19th September 2016)
- Arboricultural Report (First Ecology) (September 2016)
- Transport Statement (Vectos) (September 2016)
- Noise Impact Assessment (Clarke Saunders Acoustics) (10 October 2016)

REPRESENTATIONS

The application has been publicised twice. The second publicity period followed the revision to include air conditioning plant in the application and runs to 27 October 2016. Objections have been received from the owners/occupiers of 16, 17 and 18 Edwin Road, and 41 Alphington Road, which is on the corner of Alphington Road/Edwin Road. Comments were also received from the owners/occupiers of 20 and 24 Edwin Road. The following issues were raised:

- Overshadowing/blocking light from extension.
- Lack of landscaping behind the extension shown on the plans.
- Not rendering the block wall.
- Gap behind extension provides crime opportunities for residential properties in Edwin Road and s
- Good for new business to provide jobs and services to local area, but will noise/floodlighting be controlled and will tenant or owner have responsibility for trees and fence to the rear of the building?
- Mislabelling use of the extension as garden centre.
- Size of extension too large.
- Extension closer to properties in Edwin Road than existing building.
- Maintenance of security fence.
- DAS states no landscaping considered necessary – disagree; landscaping conditions should be r
- Design lacks merit and there should be more use of red brick to fit in with local character.
- Rear elevation facing Edwin Road residential properties should not be blue/orange (amended in revised plans).
- Inadequate parking taking into account Aldi and Iceland.
- Potential for overspill parking on Edwin Road (particularly if The Range charge for car parking).
- Reduction in flood capacity.
- Green Travel Plan required.
- Secure cycle parking required.
- Footway should be provided beneath railway arch.
- Café not desirable.
- Impact of internal music/tannoy announcements on residential properties.
- Impact of traffic generation on junction and air quality.
- Loss of landscape screening and bamboo should be removed as damaging fence.
- Inefficient traffic signals leads to accidents.
- Style of building not in keeping.
- Noise impact of air conditioning plant on residential properties in Edwin Road, which have alread
- Removal of landscaping to install plant and lack of space for replacement landscaping.
- Raised section of roof of existing building should be lowered.
- Impact of employees smoking behind the building on health of neighbouring residents.
- Air conditioning plant should be relocated away from residential properties.

CONSULTATIONS

Devon County Council (Local Highway Authority): No objection subject to £90,000 contribution to provide staggered pedestrian crossing at Alphington Road/Sydney Road junction and conditions to secure onsite road marking and pedestrian improvements. The proposal will increase traffic to the site by 50% resulting in 1-1.5 more vehicles exiting the site per signal cycle, increasing queues at the junction with most detriment to drivers exiting the site. This is not sufficient to refuse the application. Pedestrian movement to the site will significantly increase. Proposed onsite improvements including a zebra crossing and dedicated pedestrian route are essential and should be secured by condition. Secure cycle parking is not shown on the plans and should be secured by condition. 223 car parking spaces will be retained with 12 disabled spaces. This has been calculated to be sufficient to meet the estimated demand.

The Environment Agency: No objection.

Devon County Council (Lead Local Flood Authority): Object – application does not conform to Policy CP12 (Flood Risk) requiring all development to mitigate flood risk and utilise SUDS where feasible and practical. Additional information required to show how site is/will be drained and that this is sufficient.

Network Rail: Comments awaited.

Historic England: Comments awaited.

South West Water: Originally commented that there is a public sewer in the vicinity of the site and surface water run-off should be discharged as high up the hierarchy of drainage options as is reasonably practical. Following submission of Flood Risk Assessment and Drainage Strategy stated they have no concerns with discharge to public surface water sewer.

Environmental Health (ECC): Requested details of noise mitigation measures for air conditioning plant if preferred option of relocation isn't possible, due to significant adverse impact of noise from the plant on neighbouring properties. Also recommended conditions to control construction hours and secure details of extraction equipment in relation to the café.

Heritage Officer (ECC): No concerns regarding archaeological potential (verbal comments only).

Arboricultural Officer: The Arboricultural Report and its proposals are acceptable.

PLANNING POLICIES/POLICY GUIDANCE

Government Guidance

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

Core Strategy (Adopted February 2012)

Core Strategy Objectives

CP1 – Spatial Strategy

CP8 – Retail

CP11 – Pollution

CP12 – Flood Risk

CP13 – Decentralised Energy Networks

CP14 – Renewable and Low Carbon Energy

CP15 – Sustainable Construction

CP17 – Design and Local Distinctiveness

CP18 – Infrastructure

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

AP1 – Design and Location of Development
AP2 – Sequential Approach
S1 – Retail Proposals/Sequential Approach
S2 – Retail Warehouse Conditions
T1 – Hierarchy of Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
T9 – Access to Buildings by People with Disabilities
T10 – Car Parking Standards
C1 – Conservation Areas
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG2 – Energy Conservation
DG3 – Commercial Development
DG7 – Crime Prevention and Safety

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

DD1 – Sustainable Development
DD13 – Residential Amenity
DD20 – Accessibility and Sustainable Movement
DD21 – Parking
DD25 – Design Principles
DD26 – Designing out Crime
DD28 – Conserving and Managing Heritage Assets
DD32 – Local Energy Networks
DD33 – Flood Risk
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents

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

OBSERVATIONS

The key issues are:

1. The Principle of the Proposed Development / Retail Policy Issues
2. Access and Impact on Local Highways
3. Parking
4. Design and Impact on the Setting of the Conservation Area
5. Impact on Amenity of Neighbouring Properties
6. Impact on Trees
7. Surface Water Drainage and Flood Risk
8. Sustainable Construction and Energy Conservation

1. The Principle of the Proposed Development / Retail Policy Issues

The proposed extension will have a floor area of 1,363 sq m (1,173 sq m net sales). It is a 'major' retail development by itself. The site is in an out-of-centre location, therefore the Council's retail policies and national guidance to ensure the vitality and viability of town centres apply. The applicant has submitted a sequential assessment and impact assessment accordingly. These have been undertaken on the basis of the applicant occupying the existing,

vacant premises with a new permission varying the types of goods that can be sold (ref. 16/0984/03) and extending the building to increase the overall net sales area (4,146 sq m).

The applicant argues that the need to consider the floorspace of the extension alone (disaggregate) as part of the NPPF requirement to demonstrate flexibility when applying the sequential test is no longer supported by national guidance or case law. Therefore, the project must be considered as a whole. Officers agree in this case and recognise that the extension is unlikely to be built unless the application to vary conditions of the extant planning permission to allow beneficial occupation by The Range is approved. This is supported by the applicant's business model stating the requirement for retail units with large floor areas between 3,500 sq m and 7,500 sq m+. It is further supported by the fact that The Range already has a store in the city, which has a gross floor area of 4,100 sq m meaning there would be no advantage in occupying the premises (3,716 sq m) without the extension. Conditions can be used to tie the applications together.

Officers agree that the only potential sequentially preferable site for the proposal is the Bus and Coach Station site. The BCS site has outline planning permission for a mix of uses, including up to 11,000 sq m of retail floorspace. A reserved matters application for the commercial element is expected shortly following a public exhibition by the developer in the summer.

The applicant accepts that the BCS site is available. However, the applicant considers that it is not suitable or viable for the proposed development. This is because of its floorspace requirements and indication that the BCS site will be split into smaller units aimed at attracting 'high street' retailers. The applicant also points out that it can sell the majority of goods it intends to sell from the existing premises under its extant permission, which is a material consideration (see Officer Report for 16/0984/03).

The applicant has carried out an impact assessment of the proposal on the vitality and viability of the City Centre and District Centres. It argues that the majority of trade diversion will be from the existing store in Exeter, which it says will change format to have a different retail offer. Trade will also be diverted from existing retail warehouses in this part of Exeter. The impact on the City Centre and District Centres, including St Thomas, is considered to be negligible.

Officers are satisfied that the sequential and impact tests have been passed in this case. However, a condition preventing the sub-division of the store (as extended) is considered necessary in accordance with Policy S2. Officers have also weighed the positive benefits of the scheme in the overall planning balance, including reuse of a vacant premises and job creation. It is estimated that the scheme will lead to the creation of 85 jobs (65 FTE).

In conclusion, the proposed extension to the retail warehouse to allow beneficial occupation by The Range is considered to be acceptable in principle. In addition, the inclusion of a 190 sq m cafe is considered acceptable as an ancillary use and subject to the proposed conditions to control its use.

2. Access and Impact on Local Highways

The vehicular access to the site will not be altered except for road marking improvements, which are supported by the Local Highway Authority. Access issues relating to delivery vehicles and the proposed smaller service yard are considered under application ref. 16/0993/03.

The proposal is expected to significantly increase pedestrian movement to the site. The Local Highway Authority requires pedestrian access improvements accordingly, including funding to upgrade the pedestrian crossing on Alphington Road north of the site entrance. These will be secured by s106 and condition.

The signalised junction on Alphington Road at the site access operates at capacity most of the day during the week and during weekend inter peak periods. There is often queuing on Sydney Road and the site access by vehicles wishing to join Alphington Road, and motorists sometimes need more than one signal cycle to get out.

The applicant has submitted a Transport Statement (TS) to assess the impact of the proposal on the junction. This is based on a net increase in retail floorspace of 434 sq m, as it takes into account the garden centre approved as part of the original planning permission. Whilst this is incorrect and not a true reflection of the existing situation, as it doesn't take into account the relocated garden centre or the proposed new garden centre, officers have reconsulted the Local Highway Authority who have no concerns.

Based on the TS submitted, the Local Highway Authority states that the information suggests there will be an increase in traffic to the site by 50% resulting in, on average, 1-1.5 more vehicles wishing to exit the site per signal cycle. This is expected to increase queues at the junction, but most of the detriment will be to motorists wishing to leave the retail park instead of those on Alphington Road. The Local Highway Authority does not consider that the impact will be significantly adverse to warrant refusal.

If the application is approved, a condition should be added to ensure that a Staff Travel Plan is prepared and implemented to promote the use of sustainable modes of travel.

3. Parking

The Transport Statement states there are circa 227 car parking spaces on the site including 12 disabled spaces. The plans show this number will be reduced to 223 spaces (12 disabled) in order to provide a footway next to the building to improve pedestrian access. The TS states this is sufficient based on an assessment concluding that the maximum parking accumulation of the car park will be 68 vehicles between 2pm and 3pm on Saturdays.

The plans don't include cycle parking and if the application is approved a condition should be added requiring this in accordance with the Sustainable Transport SPD.

4. Design and Impact on the Setting of the Conservation Area

The design of the extension has been revised since it was submitted originally to take account of officer comments. It now includes windows with deep reveals to provide an 'active' frontage facing the access road. Doors have been added providing the opportunity for additional entrances. The frontage will be clad in Rockpanel Chameleon, a high spec cladding material that changes colour from different angles. This will add some contemporary excitement to the building and the colours have been chosen to take into account the characteristic red brick of the conservation area, as well as the corporate identity of the applicant (red-gold-purple assortment). The remainder of the extension will be clad in light grey coloured panels, which has been chosen to minimise the impact on the neighbouring residential properties. These elevations will be screened from the conservation area by existing trees/housing. The design of the extension is now considered to be acceptable.

5. Impact on the Amenity of Neighbouring Properties

The application has been revised to include air conditioning plant behind the building, which has already been installed. Officers requested a Noise Impact Assessment, which concludes that the plant will have a significant impact on the neighbouring residential properties. Environmental Health requested the relocation of the plant or noise mitigation measures accordingly. The applicant intends to provide the latter and details have been requested by officers before the application is determined. An update will be provided at committee.

Officers consider the extension will not have an overbearing visual impact on the neighbouring residential properties, due to the lower height of the extension compared to the

existing building and separation distance from the dwellings. The dwellings have relatively long gardens with mature trees and shrubs. It's considered that the extension will not cause any adverse overshadowing.

6. Impact on Trees

The Arboricultural Impact Assessment states that the proposed development will not require the removal of any trees on or adjacent to the site. However, the development will be within the root protection areas of a number of high quality trees, including TPO trees on the corner of the access road and Alphington Road, and a group of grey elder within the car park of St Andrew's Church along the boundary. These trees are important as they will screen the side and rear elevations of the building from Alphington Road/the conservation area.

The report states that the trees are unlikely to be affected, however drainage and service plans are unknown at this stage and these would have an adverse impact on the trees if they are laid within the root protection areas. The report recommends tree protection fencing is installed to create a Construction Exclusion Zone. This can comprise the existing wall/fence, but must be supplemented by temporary fencing where the wall/fence has been removed, e.g. next to the TPO trees on the corner of the access road/Alphington Road. This requirement should be conditioned. The report includes other recommendations to protect the trees, which should also be conditioned. The Council's Arboricultural Officer has agreed these. Based on the report, a condition should also be added requiring details of any planned works within the root protection areas of the trees, so that they can be approved by the Council's Arboricultural Officer before they are carried out. Should any of the trees need to be removed as a result of accidental damage during the construction phase, suitable replacement tree planting will be necessary and this should also be a condition of planning permission.

7. Surface Water Drainage and Flood Risk

The site is in Flood Zone 3. Retail is classed as a 'less vulnerable' use in national guidance, which is acceptable in Flood Zone 3. The Flood Risk Assessment states that a sequential test is not necessary as the proposal is for an extension to an existing building. The Environment Agency has no objection, so the proposal is considered acceptable with regards to flood risk.

The Lead Local Flood Authority (DCC) has objected, due to a lack of information on how the proposed development will drain surface water. Policy CP12 (Flood Risk) requires all development to mitigate flood risk and utilise SUDS where feasible and practical. Therefore, a SUDS system should be prioritised. Officers have requested further details from the applicant and an update will be provided at committee.

8. Sustainable Construction and Energy Conservation

Policy CP15 requires development proposals to demonstrate how sustainable design and construction methods will be incorporated. The Design and Access Statement sets out the energy saving measures that will be installed:

- Gas heaters replaced by reverse cycle AC system (will also heat water in staff facilities).
- Automatic control system to ensure M&E services are used only when essential.
- LED light fittings.
- LED signage where appropriate.

Officers also encouraged the applicant to provide windows and rooflights in the extension to allow natural light penetration. The plans show rooflights will cover 15% of the roof.

Policy CP15 requires all non-domestic development to achieve BREEAM 'Excellent' from 2013. A condition should be added accordingly. Policy CP13 requires new development with a floorspace over 1,000 sq m to connect to an existing or proposed Decentralised Energy Network in the locality. However, this is not currently feasible in this location. Policy CP14 requires new development with a floorspace over 1,000 sq m to use decentralised and renewable or low carbon energy sources to cut CO2 emissions by the equivalent of at least 10% over the extant building regulations, unless this is not viable or feasible. A further condition should be added accordingly.

CIL/S106

The proposed development is CIL liable, as it includes additional out of city centre retail floorspace. The rate for permission granted in 2016 is £154.62 per sq m. The additional floorspace is 1,363 sq m, so the total liability is £210,747.06.

As the proposed development has commenced, the right to pay in instalments has been lost and the full amount is due. The CIL Liability Notice was issued to the applicant on 09.09.2016, together with a blank Assumption of Liability Notice and blank Commencement Notice. These have not been returned to the Council and the CIL liability has not been paid.

A S106 legal agreement is necessary to secure a £90,000 contribution to provide a staggered pedestrian crossing at the Alphington Road/Sydney Road junction. This is considered essential to ensure safe and suitable pedestrian access.

RECOMMENDATION

APPROVE subject to:

- 1) Submission of details of the relocation of the air conditioning plant or noise mitigation measures that are satisfactory to the Assistant Director of City Development in consultation with Environmental Health.**
- 2) Submission of surface water drainage scheme that is satisfactory to the Assistant Director of City Development in consultation with the Lead Local Flood Authority (Devon County Council).**
- 3) Completion of a s106 legal agreement to secure £90,000 highways contribution.**

(If the details above are not received within 1 month the application will be reported back to Committee)

With the following conditions (further conditions delegated to Assistant Director of City Development if Members/officers consider necessary):

1. Standard Time Limit – Full Planning Permission

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below:

Reason: For the avoidance of doubt and to ensure a satisfactory completion of development.

Prior to commencement (further development)

3. Construction Method Statement

No development from the date of this decision shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of securing hoarding, if appropriate, which shall be kept clear of graffiti and fly-posting.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable.
- h) No burning on site during construction or site preparation works
- i) Measures to minimise noise nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

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

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner to avoid nuisance to neighbouring uses and inconvenience to highway users.

4. Tree Protection Measures

No development from the date of this decision shall take place until fences have been erected and other protection measures put in place for the protection of trees to be retained on and adjacent to the site in accordance with the Arboricultural Report (First Ecology, September 2016) submitted with the application. The fences and other protection measures shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences.

Reason: To protect existing trees on or adjacent to the site in accordance with the Trees in Relation to Development SPD. These measures are required pre-commencement as specified to ensure that existing trees are not damaged by building operations.

5. Surface Water Drainage System Details

No development from the date of this decision shall take place until technical details of the surface water drainage scheme submitted with the application have been submitted to and approved in writing by the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. These will include relevant drainage calculations and will demonstrate that there will be no increased risk of flooding to surrounding buildings, roads and land. The extension shall not be occupied or brought into use until the surface water drainage scheme has been completed in accordance with the approved details and it shall be continually maintained thereafter.

Reason: To manage water and flood risk in accordance with Policy CP12 of the Core Strategy, Policy EN4 of the Exeter Local Plan First Review and paragraph 103 of the NPPF. These details are required pre-commencement as specified to ensure that the surface water drainage scheme is constructed to an appropriate standard and will not lead to increased risk of flooding to surrounding buildings, roads and land.

6. Materials

Prior to the erection of the walls of the extension above damp proof course samples of the external building materials shall be submitted to and approved in writing by the Local Planning Authority. The extension shall be built from the materials approved.

Reason: In the interests of design and the character of the area in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and paragraphs 58 of the NPPF. These details are required pre-commencement as specified to ensure that the extension is constructed to a high standard and from the materials approved.

7. BREEAM Design Stage Assessment

No development from the date of this decision shall take place until a BREEAM design stage assessment report for the extension is submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that the extension is constructed to achieve BREEAM 'Excellent' standards, unless this is demonstrated not to be viable or feasible to the satisfaction of the Local Planning Authority. In the event of the latter, the report will show how the extension will be constructed to achieve BREEAM standards as high as viable or feasible to the satisfaction of the Local Planning Authority. The extension shall be constructed in accordance with the approved report.

Reason: In the interests of sustainable construction in accordance with Policy CP15 of the Core Strategy and paragraphs 93-97 of the NPPF. These details are required pre-commencement as specified to ensure that the extension is constructed to meet the required standards.

8. Details to cut CO2 emissions by 10%, unless not viable or feasible

TBC

Prior to occupation

9. Road marking and pedestrian access improvements

Prior to the first occupation or use of the development hereby permitted, the road marking improvements and pedestrian access improvements shown on the approved plans shall be implemented in full.

Reason: In the interests of pedestrian safety in accordance with paragraph 32 of the NPPF.

Prior to installation/specific works

10. External lighting details

No external lighting shall be installed on the site or on the building unless details of the lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter external lighting shall be installed in accordance with the approved details.

Reason: In the interests of design and residential amenity in accordance with Policy CP17 of the Core Strategy, Policies DG1 and DG7 of the Exeter Local Plan First Review, and paragraphs 17 and 58 of the NPPF.

11. Extraction equipment details

No extraction equipment to treat and disperse emissions from cooking operations shall be installed on the site or on the building unless details of the extraction equipment have been submitted to and approved in writing by the Local Planning Authority. Thereafter extraction equipment shall be installed in accordance with the approved details.

Reason: In the interests of design and residential amenity in accordance with Policy CP17 of the Core Strategy, Policies DG1 and DG7 of the Exeter Local Plan First Review, and paragraphs 17 and 58 of the NPPF.

12. Details of works within tree root protection areas

Prior to any planned works within the root protection areas of any trees on or adjacent to the site, details of the works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented as approved.

Reason: To ensure the health and longevity of the trees in the interests of design and amenity in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review, and paragraphs 17 and 58 of the NPPF.

13. Details of replacement tree planting if existing trees are damaged and need to be removed.

In the event that existing trees on or adjacent to the site are felled or damaged by construction activities associated with the development and need to be removed, replacement tree planting shall be provided by the developer in accordance with details that will be submitted to and approved in writing by the Local Planning Authority. The replacement trees shall be planted in the first planting season following the first occupation or use of the development hereby permitted or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of design and amenity in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review, and paragraphs 17 and 58 of the NPPF.

Restrictive/Permanent

14. Restrict sale of goods (as per 16/0984/03)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the extension to the retail warehouse shall not be used for the sale of any goods other than those in the following categories:

- (i) Do-It-Yourself goods and garden centre goods, including related building materials, tools and equipment;
- (ii) New kitchens and bathrooms;
- (iii) Carpets, wall and floor coverings;
- (iv) Lighting products;
- (v) Household furniture, furnishings and textiles;
- (vi) Office furniture and supplies;
- (vii) Household goods and kitchenware;
- (viii) Electrical goods;
- (ix) Motor vehicle and bicycle related goods;
- (x) Marine accessories and chandlery;
- (xi) Camping and associated leisure goods (not including clothing and/or footwear);
- (xii) Pet products; and
- (xiii) Hobbies, crafts and toys.

The following categories of goods shall be permitted to be sold as ancillary goods restricted to a maximum floor area of 50 sq m each:

- a. Non-fashion clothing and footwear; and
- b. Toiletries.

Reason: In the interests of protecting the viability and vitality of the centres in the catchment area of the proposal, including the Primary and Secondary Shopping Areas in Exeter City Centre and the District and Local Centres in the city, in accordance with Policy CP8 of the Core Strategy, Policies S1 and S2 of the Exeter Local Plan First Review, and section 2 of the NPPF.

15. Restrict size of café

The ancillary café hereby permitted shall be restricted to a maximum floor area of 190 sq m.

Reason: In the interests of protecting the viability and vitality of the centres in the catchment area of the proposal, including the Primary and Secondary Shopping Areas in Exeter City Centre and the District and Local Centres in the city, in accordance with Policy CP8 of the Core Strategy, Policies S1 and S2 of the Exeter Local Plan First Review, and section 2 of the NPPF.

16. Restrict independent operation of café

The ancillary café hereby permitted shall not be operated independently of the retail warehouse. In the event that the ancillary café use is ceased, the floor area occupied by it shall revert to restrictive retail use in accordance with condition 14.

Reason: In the interests of protecting the viability and vitality of the centres in the catchment area of the proposal, including the Primary and Secondary Shopping Areas in Exeter City Centre and the District and Local Centres in the city, in accordance with Policy CP8 of the Core Strategy, Policies S1 and S2 of the Exeter Local Plan First Review, and section 2 of the NPPF.

17. Restrict extent of food and drink sales in café

The ancillary café hereby permitted shall not be used for the sale of food and drink other than hot and cold drinks, sandwiches, snacks and light refreshments for consumption on the premises only.

Reason: In the interests of protecting the viability and vitality of the centres in the catchment area of the proposal, including the Primary and Secondary Shopping Areas in Exeter City Centre and the District and Local Centres in the city, in accordance with Policy CP8 of the Core Strategy, Policies S1 and S2 of the Exeter Local Plan First Review, and section 2 of the NPPF.

18. Prevent sub-division from existing retail warehouse

The extension to the retail warehouse hereby permitted shall not be sub-divided from the retail warehouse and shall be used by the same retailer with the same fascia that is occupying the retail warehouse at the same time.

Reason: In the interests of protecting the viability and vitality of the centres in the catchment area of the proposal, including the Primary and Secondary Shopping Areas in Exeter City Centre and the District and Local Centres in the city, in accordance with Policy CP8 of the Core Strategy, Policies S1 and S2 of the Exeter Local Plan First Review, and section 2 of the NPPF.

19. Prevent sub-division of extension

The extension to the retail warehouse hereby permitted shall not be sub-divided into more than one retail unit and shall not be used by more than one retailer with an individual fascia.

Reason: In the interests of protecting the viability and vitality of the centres in the catchment area of the proposal, including the Primary and Secondary Shopping Areas in Exeter City Centre and the District and Local Centres in the city, in accordance with Policy CP8 of the Core Strategy, Policies S1 and S2 of the Exeter Local Plan First Review, and section 2 of the NPPF.

20. Retention/maintenance of noise mitigation measures

TBC

Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223