

ITEM NO. 10**COMMITTEE DATE: 31 OCTOBER 2016**

APPLICATION NO: 16/0993/03 FULL PLANNING PERMISSION
APPLICANT: Mr M Cotter
PROPOSAL: 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.
LOCATION: Former B & Q Store, Alphington Road, Exeter, EX2
REGISTRATION DATE: 22/08/2016
EXPIRY DATE: 17/10/2016

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
16/0872/03 -	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	Pending	

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).

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

DESCRIPTION OF SITE/PROPOSAL

The application site comprises approximately half of the service yard of the vacant retail warehouse formerly occupied by B&Q in Alphington. It is bounded by part of the car park to the north, remaining service yard area to the east, retail warehouse to the south and main part of the car park to the west. The site is in Flood Zone 3. The site is in an out-of-centre location and is undesignated in the adopted Local Plan and Core Strategy.

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 build an extension on the site of the former 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 change the use of part of the service yard of the retail warehouse to an external garden centre (418 sq m), as an ancillary use to the store. It also proposes to add glazed doors to the warehouse to provide customer access to the external garden centre and the erection of a 3m high fence to separate it from the remaining service yard area.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Design and Access Statement

REPRESENTATIONS

One representation has been received relating to this application requesting conditions to provide landscape screening between the existing building and residential properties in Edwin Road and removal of bamboo and ground elder. It is considered that this is not relevant to this application, but it is relevant to the application to vary the conditions of the original planning permission for the retail warehouse (ref. 16/0984/03). Other representations have been received relating to this application and the application to build an extension to the retail warehouse. These representations are summarised in the relevant officer reports for those applications.

CONSULTATIONS

Devon County Council (Local Highway Authority): No objection. Tracking drawings included in the Transport Statement show delivery lorries using the whole of the service yard as existing to turn. Tracking has not been submitted to show how lorries will manoeuvre onsite with the smaller service yard. Whilst this raises safety concerns, it is off the public highway and should be resolved by the developer.

The Environment Agency: No comments to make, as change of use from a 'less vulnerable use' to a 'less vulnerable use'.

Devon County Council (Lead Local Flood Authority): No additional impermeable areas, but not clear if the proposals (3m fence) will have an effect on the current drainage of this part of the site. This should be clarified.

Network Rail: No objection in principle. Provided detailed comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Environmental Health (ECC): Recommended Noise Impact Assessment for building services plant (to be assessed under application ref. 16/0872/03).

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
CP12 – Flood Risk

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
EN4 – Flood Risk

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

DD1 – Sustainable Development
DD20 – Accessibility and Sustainable Movement
DD33 – Flood Risk

OBSERVATIONS

The change of use of part of the existing service yard of the retail warehouse to an ancillary external garden centre is considered to be acceptable in principle. A garden centre formed part of the original planning permission for the retail warehouse, although permission was later granted to relocate it west of the building. This part of the site is the site of the proposed extension to the building, so will no longer be available for this purpose, and it will not be desirable to provide it on part of the car park due to the resultant loss in car parking spaces.

The remaining service yard area is sufficient for The Range and if a future operator of the premises requires a larger service yard, the 3m fence dividing it from the external garden centre could be removed and the larger area could be reinstated.

Officers requested tracking diagrams to show how delivery vehicles will access the site, turn and leave in forward gear to ensure there will be no danger to pedestrians, cyclists or other users of the car park, taking account of the smaller service yard area. Paragraph 32 of the

NPPF states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people, and this is considered relevant to the proposal. The tracking diagrams submitted show delivery vehicles still using the whole of the existing service yard area to turn and it's doubtful that the smaller service yard will have enough space to do this. The Local Highway Authority has raised safety concerns about this, but stopped short of objecting as it is off the public highway. They state this should be resolved by the developer.

Officers have requested further tracking details or a management scheme to ensure that deliveries can be carried out safely on the site. Provided details are submitted that are satisfactory and secured by condition, the proposed development is considered to be acceptable.

A condition is required to ensure that the garden centre is an ancillary use to the retail warehouse and only used for the display of plants and garden centre goods.

CIL/S106

The development is not CIL liable and a Section 106 legal agreement is not necessary.

RECOMMENDATION

APPROVE subject to:

- 1) Submission of tracking details or a management scheme to ensure that deliveries can be carried out safely on the site that is satisfactory to the Assistant Director of City Development.**

(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.
- 3) Implement delivery management scheme (if delivery vehicle turning is not possible)**
The vehicle delivery management scheme submitted with the application shall be adhered to at all times, unless the site reverts back to use as a storage yard for the retail warehouse and the 3 metre fence is removed.
Reason: In the interests of the safety of pedestrians, cyclists and other users of the car park in accordance with paragraph 32 of the NPPF.
- 4) Ancillary use and display of plants and garden centre goods only**
The external garden centre hereby permitted shall be used for the display of plants and garden centre goods only, as an ancillary use to the retail warehouse. In the event that the ancillary garden centre use is ceased, the floor area occupied by it shall revert back to a storage yard for the retail warehouse.

Reason: For the avoidance of doubt and in the interests of protecting the viability and vitality of the city centre and other centres in Exeter.

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