

PLANNING COMMITTEE

Monday 21 February 2022

Present:-

Councillor Emma Morse (Chair)

Councillors Williams, Bialyk, Denning, Lights, Martin, A, Mitchell, M, Moore, D, Sparkes and Sutton

Apologies

Councillors Branston, Buswell and Mrs Henson

Also Present

Service Improvement Lead for City Development, Principal Project Manager (Development) (MD), Development Manager Highways and Transport and Democratic Services Officer (HB)

1

MINUTES

The minutes of the meeting held on 15 November 2021 were taken as read, approved and signed by the Chair as correct.

2

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

3

PLANNING APPLICATION NO. 19/1709/FUL - LAND AT PINBROOK COURT, PINHOE ROAD/VENNY BRIDGE ROAD, EXETER

The Principal Project Manager and Acting Major Projects Team Leader presented the application for the Construction of Class E(a) foodstore (Use Classes Order 2020, previously Class A1) with associated parking, landscaping and access works - (Further Revised Plans).

The Principal Project Manager and Acting Major Projects Team Leader described the layout and location of the site through the site location plans, aerial view and site photos. Previously, there had been a number of buildings on the site that had been used for employment purposes, but these were demolished before the application was submitted in 2019.

The report set out the following key issues:-

- the principle of development;
- access and impact on local highways and parking provision;
- parking, design and landscape;
- impact on amenity of surroundings and trees and biodiversity;
- contaminated land;
- impact on air quality;
- flood risk and surface water management;
- sustainable construction and energy conservation; and
- development plan, material considerations and presumption in favour of sustainable development.

The Principal Project Manager (Development) and Acting Major Projects Team Leader provided the following additional detail:-

- Gross External Area of 1,997 square metres/Gross Internal Area of 1,900 square metres and a Sales Floor of 1,200 square metres;
- car park with 104 parking spaces, including seven disabled spaces and two electric vehicle charging spaces;
- a vehicle access off Venny Bridge;
- pedestrian/cycle access off Pinhoe Road next to store entrance;
- a new signalised junction at Pinhoe Road and Venny Bridge;
- Toucan crossings (pedestrian and cycle usage) installed across Pinhoe Road and Venny Bridge at junction;
- staff and customer cycle parking - proposed condition 18 requires additional parking for cargo bikes and facility for electric bikes; and
- soft landscaping - proposed condition 13 requires tree planting as part of soft landscape works.

The Principal Project Manager and Acting Major Projects Team Leader further reported that the proposal passed the main town centre uses sequential test, but failed the flood risk sequential test, however this was considered to be outweighed by the sustainability benefits, which were considered to carry significant weight in the overall planning balance. The proposal would include Sustainable Drainage Systems (SUDS) reducing the risk of flooding on the site and downstream.

The site was located within walking/cycling distance of a large number of new and existing dwellings and the planned improvements to the Pinhoe Road/Venny Bridge junction making it signalised and incorporating Toucan crossings which was supported by the Highways Authority. This would make the junction safer for all users despite a predicted impact on traffic flows along Pinhoe Road in the PM peak in 2024.

The proposal would bring a vacant, brownfield site back into use and generate up to 40 permanent jobs and its accessibility would support the Council's ambition of the City becoming net zero carbon by 2030.

The Development Manager Highways and Transport responded as follows to Members' queries:-

- the impact of an additional set of traffic lights combined with those at both the Sainsbury's and Aldi junctions had been taken into account in considering the viability, including the consideration of the safety of pedestrians and cyclists;
- both Toucan junctions would allow a full crossing movement for pedestrians and cyclists; and
- generally, new superstores did not generate more traffic but re-distribute existing traffic and what redistribution took place would have the impact of similarly redistributing pollution.

The Principal Project Manager and Acting Major Projects Team Leader responded as follows to Members' queries:-

- whilst there could be some queuing of vehicles into the store there was some distance from the car park to residential houses and pollution would therefore be dissipated;
- full consultation was undertaken on the various revised schemes including the weekly and press lists, on site notices and the web;

- in respect of air quality, the Air Quality Assessment was based on the Traffic Impact Assessment which had taken into account cumulative traffic impact; and
- it was the intention to amend condition 18 to increase the number of cycle parking from 12 (six for staff and six for visitors) spaces to comply with the Sustainable Traffic Supplementary Planning Document.

Councillor Wood, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- given the increase in population, a new retail outlet is welcome, however the proposed location is poor;
- in spite of junction improvements, pedestrian safety may still be compromised;
- potential dangers to pedestrian and vehicles crashing into the Chancel Lane brick bridge;
- do not agree with the statement in respect of the failure of the flooding sequential test being overcome by the wider material benefits of the scheme;
- insufficient bus stops in the area and there is no bus service to the site;
- a 10% excess of capacity on the roads is not acceptable on balance; and
- further consultation would have been appropriate.

He responded as follows to Members' queries:-

- consider that air pollution in the area will not be improved as a result of increased traffic standstill at the junction and unforeseen rat runs to the M5; and
- offering local experience of the area rather than technical evidence.

Victoria George-Taylor spoke in support of the application. She raised the following points:-

- provides a new signalised junction at Venny Bridge and Pinhoe Road which will address the existing safety issues for all users and mitigate against the impact of the development. The junction will prioritise pedestrian and cycle movements through providing new Toucan crossings across Pinhoe Road and Venny Bridge;
- the application will bring back into use a vacant brownfield site which Lidl have owned for two years;
- if approved, the new store will create 40 jobs at the site;
- the store will be within walking distance of new housing to the south of Pinhoe Road, as well as to existing residential areas, therefore offering opportunities for sustainable travel;
- though the application fails the flooding sequential test it will improve the site which had been previously laid to hard standing and provided no attenuation for surface water. The proposed scheme includes SUDS to manage surface water run off which will reduce the risk of flooding on the site and downstream. There is therefore no negative impact and the failure of the flooding sequential test is overcome by the wider material benefits of the scheme;
- the design of the store has been amended, to push the building back into the site to respect the existing building line on Pinhoe Road and to include brick elevations in line with the local vernacular. Soft landscaping, including replacement trees, will also be provided;
- it is not considered that the concentration of retail units in a particular area could be considered a robust reason for refusal;
- Lidl's external legal team believe that the report and recommendation is robust and defensible to third party challenge in all regards; and
- no objections have been received from any statutory consultee.

She responded as follows to Members' queries:-

- vehicles servicing the store had been fully tracked and, as the larger articulated lorries would have difficulty in manoeuvring around the junction, smaller vehicles would be used;
- only Lidl owned vehicles would serve the store, including vehicles removing waste;
- it would be made clear to contractors at construction stage to approach only via the main road - this would be a direct route from the Lidl depot on the outskirts of the city;
- as the site was not within the Air Quality Management Area the national planning policy framework in respect of cumulative air quality impact had not been relevant; and
- Sheffield stainless steel bicycle racks would be supplied and consideration would be given to increasing the number. Facilities for Cargo-bikes would also be considered.

Members expressed the following views:-

- previous use of site was for smaller units, a large store offered an improved use;
- improved crossings for cyclist and pedestrians is to be welcomed as is the provision of cycle storage on site which, hopefully, can be increased;
- site is accessible from a number of surrounding homes by means of pleasant walking routes;
- the provision of a third large retail store is welcome and appropriate given the significant increase in housing in the area; and
- regard had been made to green travel and the proposal is sustainable.

The recommendation was for approval, subject to the conditions as set out in the report.

The recommendation was moved and seconded and, following a vote, was carried unanimously.

RESOLVED that planning permission be granted for the Construction of Class E(a) foodstore (Use Classes Order 2020, previously Class A1) with associated parking, landscaping and access works - (Further Revised Plans), subject to the following conditions.

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, unless modified by the other conditions of this consent:

- Site Location Plan (18052 AD_100_Rev A)
- Proposed Site Layout (18052 AD_110 V)

- Proposed Building Plan (18052 AD_111 D)
- Proposed Roof Plan (18052 AD_112 E)
- Proposed Elevations (18052 AD_113 F)
- Proposed Boundary Treatments (18052 AD_114 Q)
- Proposed Site Finishes (18052 AD_115 P)
- Proposed Landscape Design & Specification (18052 AD_116 J)
- Proposed Street Scene (18052 AD_123 F)
- Proposed Site Layout (For Environment Agency) (18052 AD_210 H)
- Proposed Pinhoe Rd / Venny Bridge Signalised Junction Arrangement (103226-SK-012 F)

Reason: To ensure the development is constructed in accordance with the approved plans, unless modified by the other conditions of this permission.

Pre-commencement Details

3. Contaminated Land

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

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

4. Watercourse Maintenance Plan

No development shall be commenced until a Watercourse Maintenance Plan for the open Pin Brook adjoining the rear of the site has been submitted to and approved in writing by the Local Planning Authority. This plan shall include remediation works to remove vegetation, extend the concrete scour protection and improve the condition of the wall to maintain its long-term durability. The agreed works are to be completed prior to the occupation of the approved store.

Reason: To ensure the watercourse is maintained to an appropriate standard in the interests of reducing the risk of flooding. These details are required pre-commencement as specified to ensure that the Plan is fit for purpose and can be implemented prior to the occupation of the store.

5. Surface Water Drainage

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- a) A detailed drainage design based upon the approved LiDL Pinbrook Flood Risk Assessment (Report Ref. HLEF75035, Rev. 9, dated 17 March 2021);
- b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted;
- c) Proposals for the adoption and maintenance of the permanent surface water drainage system;
- d) A plan indicating how exceedance flows will be safely managed at the site.

The building hereby permitted shall not commence trading until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above condition is required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

6. District Heating Network

Unless it is agreed in writing by the Local Planning Authority prior to commencement of development that it is not viable or feasible to do so, the building hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that its internal systems for space and water heating are capable of being connected to the local decentralised energy district heating network. Prior to occupation of the development, the necessary on site infrastructure (including pipework, plant and machinery) for connection of those systems to the network in a manner agreed in writing by the Local Planning Authority shall be put in place.

Reason: To ensure that the proposal complies with Policy CP13 of Council's Adopted Core Strategy and paragraph 157 of the NPPF (2021) in the interests of delivering sustainable development. If it is not viable or feasible this information must be agreed by the Local Planning Authority prior to commencement of development to explore alternative solutions resulting in the same or better carbon reduction in accordance with Policy CP13.

7. BREEAM

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve a BREEAM excellent standard (minimum 70% score) as a minimum. Prior to commencement of development, the developer shall submit to the Local Planning Authority a BREEAM design (interim) stage assessment report, to be written by a licensed BREEAM assessor, which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required, the developer shall provide, prior to the commencement of development of the building, details of what changes will be made to the building to achieve the minimum standard for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

8. Construction Method Statement

No development (including ground works) shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The document shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration 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.
- k) No driven piling without prior consent of the Local Planning Authority.

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

Reason: To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

9. Waste Audit Statement

Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

During Construction

10. Unsuspected Contamination

If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately for the protection of future occupiers and of controlled waters.

Pre-Specific Works

11. Materials

Prior to the construction of the building hereby approved (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

Reason: In the interests of good design and the character and appearance of the area, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review, and paragraphs 130 and 135 of the NPPF (2021).

Pre-trading

12. Biodiversity Enhancement Plan

Prior to the commencement of trading from the store hereby approved, a Biodiversity Enhancement Plan (BEP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The BEP shall be implemented as approved.

Reason: In the interests of biodiversity and good design in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 130 and 180 of the NPPF (2021).

13. Detailed Landscaping Scheme

Prior to the commencement of trading from the store hereby approved, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including tree planting, and all boundary treatments. The hard landscaping shall be constructed as approved prior to the occupation of the development. The soft landscaping shall be planted in the first planting season following the occupation of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of good design in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraphs 130 and 131 of the NPPF (2021).

14. LEMP

Prior to the commencement of trading from the store hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

The landscape on the site shall be managed in accordance with the approved LEMP.

Reason: In the interests of biodiversity and good design in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 130 and 180 of the NPPF (2021).

15. Noise Barrier

Prior to the commencement of trading from the store hereby approved, details of the noise barrier referred to in paragraph 6.2 of the submitted Noise Impact Assessment (Ref. 7984/ARD) (October 2019) shall be submitted to and approved in writing by the Local Planning Authority. The barrier shall be constructed prior to occupation of the development and maintained at all times thereafter.

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

16. Access 1

The store hereby approved shall not commence trading until the vehicular access points and footway on Pinhoe Road / Venny Bridge as indicated on Drawing Number 103226-SK-012 F ('Proposed Pinhoe Rd / Venny Bridge Signalised Junction Arrangement') have been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the NPPF (2021) and Policy CP9 of the Core Strategy.

17. Access 2

The store hereby approved shall not commence trading until the vehicular access on Venny Bridge as indicated on Drawing Number 103226-SK-012 F ('Proposed Pinhoe Rd / Venny Bridge Signalised Junction Arrangement') has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the NPPF (2021) and Policy CP9 of the Core Strategy.

18. Cycle Parking

The store hereby approved shall not commence trading until cycle parking for staff and customers has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. This shall include cycle parking for cargo bikes and a facility for electric bikes, as well as normal bicycles. The cycle parking shall be maintained at all times thereafter.

Reason: To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review, the Sustainable Transport SPD and paragraph 112 of the NPPF (2021).

19. Travel Plan

The store hereby approved shall not commence trading until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

Reason: To encourage travel by sustainable means, in accordance with saved Policy T3 of the Local Plan First Review and the Sustainable Transport SPD.

20. Electric Vehicle Charging Points

The store hereby approved shall not commence trading until the two electric vehicle charging parking spaces shown on drawing number 18052 AD_110 V ('Proposed Site Layout') have been provided in accordance with details of the charging points previously submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging parking spaces/points shall be maintained at all times thereafter.

Reason: To ensure that this aspect of the application is delivered and in the interests of encouraging sustainable travel in accordance with the Sustainable Transport SPD and paragraph 112 of the NPPF (2021).

21. CCTV

Prior to the commencement of trading from the store hereby approved, a strategy for the distribution and management of CCTV on the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location and design of CCTV cameras, which should be integrated in an unobtrusive manner. The strategy shall be implemented as approved prior to the commencement of trading and maintained thereafter.

Reason: In order to help prevent/detect crime, disorder and anti-social behaviour in accordance with the advice of the Police Designing Out Crime Officer and saved Policy DG7 of the Exeter Local Plan First Review.

Post Occupancy

22. Restrict Sale of Comparison Goods

The net retail floor space of the store hereby approved shall be limited to 1,200 sq m. No more than 20% of the net retail floor space of the store hereby approved shall be devoted to the sale and display of comparison goods.

Reason: To maintain the premises as a foodstore selling predominantly convenience goods in accordance with the information submitted with the application, including the sequential test where the catchment area of the premises was limited to that of a medium sized foodstore, in the interests of the vitality of centres in the City and sustainable development.

23. Plant Noise Limits

The total mechanical building services plant on the site shall not exceed the cumulative noise limits in Table 7 of the submitted Noise Impact Assessment (Ref. 7984A/RD) (October 2019).

Reason: To ensure that noise-sensitive development in the vicinity will not be adversely affected by the building services plant, in accordance with saved Policy EN5 of the Local Plan First Review.

24. Opening Hours

Retail sales shall not be carried out on the site except between the hours of 08:00 and 22:00 on Monday to Saturday, and 10:00 and 17:00 on Sundays.

Reason: In the interests of the amenities of nearby residential properties.

25. Delivery/Waste Collection Hours

No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 07:00 and 23:00 on Monday to Saturday, and 08:00 and 18:00 on Sundays and Bank or Public Holidays.

Reason: In the interests of the amenities of nearby residential properties.

26. Environment Agency Parking Area

The area within the car park shown hatched on drawing number 18052 AD_110 V ('Proposed Site Layout') shall not be used for staff or customer parking at any time. 'No parking' signage shall be placed next to this area prior to the occupation of the development and maintained at all times thereafter.

Reason: To ensure that this area is available at all times to Environment Agency maintenance staff requiring access to the Pin Brook culvert debris screen, in the interests of reducing flooding.

27. Showers, lockers and space to dry clothes

The building hereby approved shall include showers, lockers and space to dry clothes for staff.

Reason: To accord with paragraph 5.3 of the Sustainable Transport SPD in the interests of sustainable travel.

4

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Deputy Chief Executive was submitted.

RESOLVED that the report be noted.

5

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 15 March 2022 at 9.30 a.m. The Members attending will be Councillors M. Mitchell, D. Moore and/or Councillors Morse and Williams as necessary.

(The meeting commenced at 5.30 pm and closed at 6.28 pm)

Chair

DRAFT