

PLANNING COMMITTEE

Monday 6 January 2020

Present:-

Councillor Lyons (Chair)

Councillors Williams, Bialyk, Branston, Foale, Harvey, Mrs Henson, Mitchell, M, Morse, Sheldon and Sutton

Apologies

Councillor Ghusain

Also Present

Chief Executive & Growth Director, Director (BA), Service Lead City Development, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (MD), Highways Development Management Officer and Democratic Services Officer (Committees) (HB)

1 **MINUTES**

The minutes of the meeting held on 28 October 2019 were taken as read, approved and signed by the Chair as correct.

2 **DECLARATIONS OF INTEREST**

Councillor Williams declared an interest and left the meeting during consideration of Minute No 5.

3 **PLANNING APPLICATION NO. 19/1461/OUT - LAND NORTH OF HONITON ROAD AND WEST OF FITZROY ROAD EXETER**

The Principal Project Manager (Development) (MD) presented the application for a mixed use development to provide town centre facilities comprising uses within some or all of Class A1 (Retail), Class A2 (Financial and Professional Services), Class A3 (Cafes and Restaurants) with associated Drive-Thru's, Class A5 (Hot Food Takeaways), Class D2 (Assembly and Leisure) with associated means of access, access roads, service yards, car parking, infrastructure, public realm and landscaping. (All matters reserved except access).

The Principal Project Manager (Development) reported the following late representations:-

- Network Rail had withdrawn its holding objection and listed issues asking for consideration to be given to additional conditions. It was suggested that consideration of these should be delegated to the Service Lead City Development, subject to prior consultation with the Chair;
- representation from Crown Estates;
- a letter from the asset manager for the owners of Princesshay suggesting alterations to some conditions. In light of the report of the Council's retail consultant, these suggestions were not considered necessary; and
- a letter objecting on the grounds that an out of town centre would take away business from existing town centres.

The Principal Project Manager (Development):-

- described the scheme in detail setting out the changes from the previous proposals notably the wider mix of uses and explaining the background in the context of the Core Strategy adopted in 2012, the Monkerton/Hill Barton Master Plan and National Design Guidance 2019;
- explained that the scheme offered significant economic and social benefits to the area given the proximity of the adjacent business area and a new residential community, the absence of a local centre having being delivered to date in the area and that elements of the scheme included those which would be a found in a local centre and a gap in the provision of a mixed use hub along the Heavitree Road corridor;
- referred to letters of support from Exeter Science Park Ltd. and SW Comms; and
- advised that the application was the most suitable out of the three out-of-centre sites considered for major retail development in July 2019.

Martin Ridgway spoke in support of the application. He raised the following points:-

- the floor area has been reduced and the range of uses improved to include a chemist, foodstore, gym, bank, restaurants and a newsagent with the design potentially setting a new benchmark for centres to promote sustainable access for locals residents, workers and visitors;
- the site is close to two of Exeter's largest employers, the Met Office and Devon & Cornwall Police, who between them employ nearly 3,500 staff but whose facilities are limited;
- it will minimise adverse air quality, deliver a truly "eco-friendly" development and ensure good accessibility;
- it will meet the needs of the existing and growing number of residents along with the wider business community and growth in East Exeter shows a requirement for a new services hub;
- the scheme connects into the District Heating Network;
- a CIL payment in excess of £1.9 million scheduled which can be used towards further local sustainable features; and
- transport related benefits include four new pedestrian/cycle links into the site, reduction in parking numbers, electric vehicle charging points increased to 45, a new link for a bus "only" connection into the adjoining residential development and widening of Honiton Road for a bus stop relocation and a new Toucan crossing.

He responded as follows to Members' queries:-

- because of the strong interest from many operators and the number of conditions, it was anticipated that the desired mix of uses would be met;
- a "green wall" would be one of the options at design stage;
- the proposal incorporated both reduced car parking provision as well as reduced floor area; and
- approaches in respect of a health centre provision could be considered.

During discussion the following points were raised:-

- concern regarding the impact on the air quality of the Heavitree Road corridor and whether a bus service would be extended to the adjoining residential area; and

- support for the mixed use identified notwithstanding Local Plan policy requiring a small “local centre” as the development would benefit the residential and business communities it adjoins.

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

The recommendation was moved and seconded.

RESOLVED that, subject to the Service Lead City Development being granted delegated authority and subject to prior consultation with the Chair to agree additional conditions sought by Network Rail, planning permission for mixed use development to provide town centre facilities comprising uses within some or all of Class A1 (Retail), Class A2 (Financial and Professional Services), Class A3 (Cafes and Restaurants) with associated Drive-Thru's, Class A5 (Hot Food Takeaways), Class D2 (Assembly and Leisure) with associated means of access, access roads, service yards, car parking, infrastructure, public realm and landscaping. (All matters reserved except access) be **APPROVED**, subject also to the following conditions:-

1. Standard Time Limits – Outline Planning Permission

Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.

Reason: To ensure compliance with sections 91 - 93 of the Town and Country Planning Act 1990.

2. Reserved Matters

Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.

3. Approved Plans

The development hereby permitted shall be carried out on the land outlined in red on drawing number 15049_PL01 ('Proposed Location Plan') and shall not be carried out otherwise than in accordance with the plans listed below, unless modified by the other conditions of this consent including the approval of the reserved matters:

- Highway Access Plan (PHL-01 B)
- Proposed Site Parameters Plan (15049_PL06 F)

Reason: To ensure compliance with the approved drawings.

4. Shadow Path Diagrams

Shadow path diagrams of the buildings on the site shall be submitted to, and agreed by, the Local Planning Authority as part of the submission of reserved matters. These shall illustrate the shadow paths at the winter solstice and spring/autumn equinox (sunrise, midday and sunset).

Reason: To ensure there will be no overshadowing of neighbouring dwellings that will harm residential amenity, taking into account paragraphs 7.21-7.23 of the Residential Design SPD.

5. Cycle Parking

The reserved matters details shall show the location and design of cycle parking facilities for the staff and customers of the retail units in accordance with chapter 5 of the Sustainable Transport SPD, including showers, lockers and space to dry clothes for staff. The cycle parking facilities shall be provided in the development as approved prior to the occupation of the development and maintained at all times thereafter.

Reason: To promote cycling as a sustainable mode of travel and to accord with the Sustainable Transport SPD.

6. Disabled Car Parking Spaces and Electric Charging Points

The reserved matters details shall show the location and design of disabled parking spaces and charging points for electric vehicles in accordance with chapter 6 of the Sustainable Transport SPD. A minimum of 45 electric charging points shall be provided for in accordance with the Moor Exchange Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019). The disabled parking spaces and electric charging points shall be provided in the development as approved prior to the occupation of the development and maintained at all times thereafter.

Reason: To accord with the minimum car parking standards for disabled users in the Sustainable Transport SPD, and to enable charging of plug-in and other ultra-low emission vehicles in accordance with the Sustainable Transport SPD, paragraph 110 of the NPPF, section 7.3 ('Mitigation') of the submitted Moor Exchange Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019) and Policy EN3 of the Exeter Local Plan First Review.

7. Electric Bike Hire Facility

The reserved matters details shall show the location of an Electric Bike Hire Facility on the site. The Electric Bike Hire facility shall be implemented and made fully operational prior to the occupation of any unit on the site, and shall be maintained at all times thereafter.

Reason: To provide appropriate air quality mitigation in accordance with section 7.3 ('Mitigation') of the submitted Moor Exchange Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019) and Policy EN3 of the Exeter Local Plan First Review.

8. Waste Storage Facilities

The reserved matters details shall show the location and design of waste storage facilities for the retail and restaurant units hereby permitted. The

waste storage facilities shall be designed to accord with the Waste Audit Statement required by condition 11 below. The waste storage facilities for each unit shall be provided as approved prior to the occupation of the unit. **Reason:** To ensure adequate waste storage facilities are provided for the uses and located in the interests of the amenity of the area.

Pre-commencement Details

9. Bus/Pedestrian/Cycle Link to North Boundary

Prior to the commencement of the development hereby permitted, a detailed plan of the bus/pedestrian/cycle access to the north boundary shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show the access designed as a short section of bus lane in both directions and also the location and design of appropriate signage and CCTV to ensure that it is used by buses, pedestrians and cyclists only. It shall also show the location of a temporary concrete barrier to prevent the access from being used by other vehicles until such time that a bus service requiring its implementation becomes operational. The plan shall be accompanied by details of the implementation of the access and the management and maintenance of the access, including responsibility for CCTV monitoring and enforcement, for the lifetime of the development. The bus/pedestrian/cycle access shall be constructed in accordance with the approved detailed plan prior to the occupation of the development and its shall be implemented, managed and maintained in accordance with the approved details at all times thereafter.

Reason: To provide a connection to the highway constructed on the adjoining site for sustainable travel in accordance with Policies CP16, CP17 and CP19 of the Core Strategy promoting a sustainable movement network, taking into account the advice of Stagecoach, and to prevent a severe impact on the local highway network and unsafe access through use by other vehicular traffic. These details are required pre-commencement as specified to ensure that an acceptable access and highway connection are designed for the site before the development is built.

10. Pedestrian/Cycle Connections

Prior to the commencement of the development hereby permitted, detailed plans, including sections to confirm gradients, of the three pedestrian and/or cycle connections to the south boundary and a pedestrian/cycle route from the south boundary to the north boundary at the point where the pedestrian/cycle link on the adjoining site meets the boundary shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle connections and route shall be constructed as approved prior to the occupation of the development and shall be kept free from obstruction, including at the boundary points, and maintained at all times thereafter.

Reason: To ensure the development provides a sustainable movement network with links to the surroundings in accordance with Policies CP16, CP17 and CP19 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and Section 9 of the NPPF. These details are required pre-commencement as specified to ensure that acceptable pedestrian and/or cycle connections are designed for the site before the development is built.

11. Waste Audit Statement

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

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that waste generated during construction is managed sustainably.

12. 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 building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason:

13. Detailed Permanent Surface Water Drainage Scheme

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Moor Exchange Honiton Road, Exeter Flood Risk Assessment Revision E (Ref. 23-20-18-1-6075/FRA, November 2019). The approved permanent surface water drainage management system shall be implemented prior to the occupation of the development.

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems. A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream. (Advice: Refer to Devon County Council's Sustainable Drainage Guidance.)

14. Programme of Percolation Tests

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results submitted to and

approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible. This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

15. Groundwater Monitoring Programme

No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management. This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

16. Surface Water Drainage Management System (Construction)

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The approved surface water drainage management system shall be implemented and maintained throughout the construction period.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. These details are required pre-commencement as specified to ensure that surface water can be managed suitably without increasing flood risk or negatively affecting water quality downstream, or negatively impacting on surrounding areas and infrastructure. (Advice: Refer to Devon County Council's Sustainable Drainage Guidance.)

17. Exceedance Pathways and Overland Flow Routes

No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

18. Adoption and Maintenance Arrangements

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The permanent surface water drainage management system shall be adopted and maintained as approved.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

19. District Heating Network

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

Reason: To ensure that the proposal complies with Policy CP13 of the Core Strategy and paragraph 153 of the NPPF, and in the interests of delivering sustainable development. If it is demonstrated that it is not viable or feasible to construct the building in accordance with the CIBSE Heat Networks Code of Practice, this information must be provided to the Council prior to commencement of the development because it will affect the construction of the building.

20. BREEAM

Unless otherwise agreed in writing by the Local Planning Authority the buildings hereby approved shall achieve a BREEAM 'excellent' standard as a minimum (shell only). Prior to commencement of development of each building on the site the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the building details of what changes will be made to the building to achieve the minimum

standard, for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

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

21. Construction Method Statement

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

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to minimise noise nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

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

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

22. Tree/Hedgerow Protection Measures

No development (including ground works) or vegetation clearance works shall take place until fences have been erected and any other protection measures put in place for the protection of trees and/or hedgerows to be retained around the site boundary in accordance with a Scheme which has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be prepared in accordance with British Standard BS 5837:2012 (or any superseding British Standard). The fences and any other protection measures required in the approved Scheme shall be retained until the completion of the development and no vehicles, plant or materials

shall be driven or placed within the areas enclosed by the fences.

Reason: To protect the trees and hedgerows to be retained around the site boundary in the interests of the amenities of the area and biodiversity, in accordance with Policy LS4 of the Exeter Local Plan First Review and the Trees in Relation to Development SPD (September 2009). These details are required pre-commencement as specified to ensure that trees and hedgerows to be retained are not damaged by building operations or vegetation removal, including their biodiversity interests.

Pre-specific Works

23. Bird Breeding Season

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name of the ecologist. If breeding birds are found or suspected during the works, the works will cease until the ecologist is satisfied that breeding is complete.

Reason: To protect breeding birds in accordance with Policy LS4 of the Exeter Local Plan First Review, and paragraphs 174 and 175 of the NPPF. These details are required pre-commencement as specified to ensure that breeding birds are not harmed by building operations or vegetation removal.

24. External Lighting

No external lighting shall be installed on the site or on the buildings hereby permitted unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

Reason: To ensure lighting is well designed to protect the amenities of the area and wildlife, and to safeguard Exeter Airport.

Pre-occupation

25. Wildlife Plan

Prior to the first occupation or use of the development hereby permitted, a Wildlife Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Wildlife Plan shall demonstrate how the development has been designed to enhance the biodiversity value of the site and how it will be managed in perpetuity to enhance biodiversity, taking into account the recommendations of the submitted Preliminary Ecological Appraisal (Sunflower International, July 2017). Thereafter, the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

26. Acoustic Fence

Prior to the first occupation or use of the development hereby permitted, a fence shall be provided along the north boundary of the site to provide an acoustic, visual and security barrier in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The design of the fence shall make provisions for the connections to be secured under conditions 9 and 10.

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

27. Detailed Landscaping Scheme

Prior to the first occupation or use of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. It shall include soft landscaping to soften the impact of the fence required by condition 26 above. Where applicable, it shall specify tree and plant species and methods of planting. The hard landscaping shall be constructed as approved prior to the occupation/use of the development. The soft landscaping shall be planted in the first planting season following the occupation/use of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of good sustainable design in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF.

28. S278 Agreement

The development shall not be occupied or brought into use until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway including those shown on drawing number 2176-PHL-007 C ('S278 Works Honiton Road Widening and Proposed Bus Stops') and the movement forward of the stop line (and associated works such as the movement of the signal heads) on the Honiton Road westbound arm of the Fitzroy Road signalised junction. The works shall be implemented prior to the occupation/use of the development and maintained at all times thereafter.

Reason: To prevent a severe impact on the local highway network and to ensure that safe and suitable access is provided for vehicles in accordance with paragraph 108 of the NPPF.

29. Travel Plan

No part of the development shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) 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 Policy T3 of the Local Plan First Review and the Sustainable Transport SPD.

30. Car Park Management Plan

No part of the development shall be occupied until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Car Park Management Plan shall be carried out as

approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure there is no overspill parking in the Honiton Road Park & Ride car park to the detriment of its use by people using the Park & Ride service to travel to the City Centre in the interests of sustainable travel.

31. Car Parking Provision

No part of the development shall be occupied until all of the car parking spaces and access thereto shown on the approved plans of any subsequent reserved matters consent have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter.

Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use in the interests of highway safety and to protect the amenities of the neighbourhood.

32. Litter Management

Prior to the occupation of any of the A3 restaurant/drive-through units or A5 hot food takeaway units hereby permitted, a Litter Management Plan for the unit shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Litter Management Plan shall be implemented as approved by the occupier of the unit.

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

33. Kitchen Ventilation

Prior to the occupation of any of the A3 restaurant/drive-through units or A5 hot food takeaway units hereby permitted, the kitchen ventilation system for the unit shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of the surroundings.

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

Post Occupancy

34. Delivery Hours

There shall be no deliveries to the site nor loading or unloading of delivery vehicles between the hours of 11pm and 6am.

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

35. Noise Levels

Notwithstanding condition 26 above, total noise from the development hereby permitted shall not exceed a rating noise level of 5dB above background noise levels, measured in accordance with BS4142:2014. Compliance with this condition shall be assessed at 1 metre from the façade of residential receptors, or an alternative suitable proxy location as agreed in writing with the Local Planning Authority. This noise level shall be demonstrated to the Local Planning Authority by measurement and reported to the Local Planning Authority following the first occupation of all the units and maintained thereafter.

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

36. Restriction on D2 Use

The Class D2 floorspace hereby permitted shall be used as a gym and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To control the use in the interests of the amenity of the area and development plan policies.

37. Restriction on Permitted Development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- Part 3, Class A – restaurants, cafes, or takeaways to retail
- Part 3, Class B – takeaways to restaurants and cafes
- Part 3, Class C – retail, betting office or pay day loan shop or casino to restaurant or café
- Part 3, Class D – shops to financial and professional
- Part 3, Class E – financial and professional or betting office or pay day loan shop to shops
- Part 3, Class F – betting offices or pay day loan shops to financial and professional
- Part 3, Class G – retail or betting office or pay day loan shop to mixed use
- Part 3, Class J – retail or betting office or pay day loan shop to assembly and leisure
- Part 3, Class JA – retail, takeaway, betting office, pay day loan shop, and launderette uses to offices
- Part 3, Class M – retail, takeaways and specified sui generis uses to dwellinghouses

Reason: To control the uses on the site in the interests of the amenity of the area and development plan policies, including maintaining a mix of uses

to meet the aspiration of providing a local centre within the Monkerton/Hill Barton strategic allocation area in accordance with Policy CP19 of the Core Strategy, and ensuring acceptable access and traffic impacts in accordance with paragraph 108 of the NPPF.

Retail Controls

38. Quantum of Development

The overall floorspace to be comprised in the development hereby permitted, and the quanta per Use Class, shall not exceed the gross maxima set out in the Schedules below:

Development Parameter	Quantum
Maximum Floorspace (sq m GEA)	11,527
Maximum Floorspace (sq m GIA)	11,004

Use Class	Maximum (sq m GIA)
A1 (Shops)	8,659
A2 (Financial and professional services)	465
A3 (Restaurants and cafes, including drive-throughs)	1,021
A5 (Hot food takeaway)	116
D2 (Gym)	743

Reason: To define the terms of the permission.

39. Net Sales Area

The total net sales area of the retail (Class A1) floorspace hereby permitted shall not exceed 7,552 sq m, of which no more than 2,789 sq m and no less than 1,000 sq m shall be used for the sale of convenience goods (including post office goods).

Reason: To ensure that the trading impacts of the proposal are acceptable and that a foodstore is delivered as part of the development to meet the community needs of the locality.

40. A1 Block ('Block A')

The reserved matters to be submitted pursuant to this planning permission for the A1 retail block to the west of the site ('Block A') shown on drawing number 15049_PL06 F ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 7,897 sq m (including mezzanine floors) limited as follows:

- a) A maximum of four separate retail units;
- b) A unit with a maximum floor area of 4,275 sq m (GIA) and a maximum net sales area of 3,329 sq m; no more than 40% of the net sales area of this unit shall be used for the display and sale of clothing, footwear and/or clothing fashion goods; the remainder of the net sales area shall be used for the sale of home furnishings, furniture, kitchen and bathroom fittings, lighting, DIY and decorating products, electrical items, garden goods and any other goods which are ancillary and directly

related to the main goods permitted (the sales areas for such ancillary goods shall be no more than 5% of the total permitted net sales area);

- c) At least one unit of not less than 929 sq m (GIA) for predominantly convenience (food) retailing; up to 20% of the net sales area may be used for ancillary comparison goods sales;
- d) Additional units of not less than 929 sq m (GIA) of which one can be occupied by retailers whose operation is predominantly the sale of clothing, footwear and/or clothing fashion goods – no more than 60% of the net sales area of this unit shall be used for the display and sale of clothing, footwear and/or clothing fashion goods.

Reason: To ensure that the development reflects the complexion of the proposals upon which the application was assessed, to provide a mix of shops to meet the needs of the community and to respect the retail hierarchy of the city.

41. A1/A2/A5/D2 Block ('Block B')

The reserved matters to be submitted pursuant to this planning permission for the A1/A2/A5/D2 mixed use block to the north of the site ('Block B') shown on drawing number 15049_PL06 F ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 2,086 sq m (including mezzanine floors) limited as follows:

- a) A maximum of three separate A1 retail units of not less than 116 sq m (GIA) each, of which a maximum of one retail unit can be occupied by retailers whose operation is predominantly the sale of clothing, footwear and/or clothing fashion goods;
- b) At least one A2 unit;
- c) At least one A5 unit;
- d) At least one D2 (gym) unit.

Reason: To ensure that the development reflects the complexion of the proposals upon which the application was assessed, to provide a mix of uses to meet the needs of the community and to respect the retail hierarchy of the city.

42. A3 Uses

Uses within Class A3 (restaurants and cafes) shall be comprised in a maximum of three freestanding units as shown on drawing number 15049_PL06 F ('Proposed Site Parameters Plan').

Reason: To ensure that the complexion of development is in accordance with the purposes prescribed in the application and to provide a mix of uses to meet the needs of the community.

43. Chemist

For a minimum period of 5 years following the date of its first opening, the development hereby authorised shall include provision of no less than 530 square metres (GIA) predominantly for the sale of chemist and related goods (with or without a pharmacy).

Reason: To ensure that the complexion of the development is in accordance with the purposes prescribed in the application and to provide a mix of shops to meet the needs of the community.

44. Prevention of Amalgamation or Sub-division of Units

Further to any approval of reserved matters pursuant to this planning permission, there shall be no subsequent amalgamation or sub-division of units without the prior approval in writing of the Local Planning Authority.

Reason: Any changes will require further consideration by the Local Planning Authority to ensure that the impacts are acceptable.

45. Dual Representation

Unless otherwise agreed in writing by the Local Planning Authority, none of the approved A1 retail floorspace shall be occupied by any retailer who at the date of occupation, or within a period of 12 months immediately prior to occupation, occupies A1 retail floorspace within the City Centre or any of the District or Local Centres as defined on the Exeter Local Plan First Review Proposals Map, or any subsequent development plan document defining the city, district and local centre hierarchy, unless a scheme which commits the retailer to retaining their presence as a retailer within that Centre, for a minimum period of 5 years following the date of their occupation of A1 retail floorspace within the development, or until such time as they cease to occupy A1 retail floorspace within the development, whichever is sooner, has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be carried out as approved.

Reason: To protect the vitality and viability of the centres in Exeter and ensure that the A1 retail floorspace serves the local community.

Informative

- (1) The developer is encouraged to provide bio-diversity enhancements including a “green wall”.

4 **PLANNING APPLICATION NO. 19//1168/FUL - LAND ADJACENT TO 2A
NEWCOURT ROAD, TOPSHAM**

The Chair reported the deferral of this item to the next meeting of this Committee on 13 January 2020.

5 **PLANNING APPLICATION NO. 19/1215/FUL - HICKLING COTTAGE,
TADDYFORDE ESTATE, EXETER**

Councillor Williams declared an interest and left the meeting during consideration of this item.

The Assistant Service Lead City Development presented the application for the change of use of ancillary residential accommodation outbuilding to new separate dwelling house.

Dr Judith Proud spoke against the application. She raised the following points:-

- representing residents living within the Taddyforde Estate Conservation Area;
- the building is inappropriate as it represents new build within the Estate which is already developed to capacity and the proposal is short on space internally and externally and not compliant with the Council’s adopted space standards, both internally and externally;
- legitimate planning process has not been followed as the intention was always to build a separate dwelling. Residents are concerned about the scale of the building compared with the small single garage and Hickling Cottage itself, the

- amenities of the building and the lack of windows overlooking the Cottage;
- the applicant has been resident in the building a fact which is being used, inappropriately to support the application; and
- the description of the proposal as ancillary residential accommodation outbuilding is misleading.

In response to a Member, she advised that there had been 13 objections to the proposal to use as a separate residence.

Gill Baker spoke in support of the application. She raised the following points:-

- the building already exists and is not a new build, it does not impact on the Conservation Area and previous applications are not relevant;
- proposal does not set a precedent for any future garden developments;
- proposal meets City Council criteria and no policy reasons for not allowing the development;
- provides a better mix of development in Taddyforde and allows the applicant to remain in this area as well as freeing up a large family home currently uninhabited to re-enter the market; and
- amenities conform to general standard of one bedroom properties.

She responded as follows to Members' queries:-

- a planning statement was produced which follows the Council's checklist;
- the internal measurement of 56 square metres accords with that for a one bedroom property even though this is a two storey building; and
- the application meets the standards for outside amenity space of 55/56 square metres. The garden also benefits from being north facing.

The Assistant Service Lead City Development advised that:-

- there had been two previous applications for an annexe and that this was the first application for a detached dwelling;
- the application met the nationally set space standards for a two storey dwelling; and
- although the external space did not quite meet the Council's guideline, the quality was of a high standard with adequate garden size for this type of dwelling and was an appropriate level of amenity.

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

The recommendation was moved and seconded.

RESOLVED that planning permission for the change of use of ancillary residential accommodation outbuilding to new separate dwelling house be **AGREED**, subject to the following conditions:-

- 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 ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- The development hereby permitted shall not be carried out otherwise than

in strict accordance with the submitted details received by the Local Planning Authority on 26 September 2019 (drawings nos. 05 and 06) as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

Informatives

- 1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
- 2) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

6 **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Service Lead City Development was submitted.

RESOLVED that the report be noted.

7 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

8 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 28 January 2020 at 9.30 a.m. The Councillors attending will be Councillors Mitchell, Morse and Williams.

(The meeting commenced at 5.30 pm and closed at 7.09 pm)

Chair