

1.0 Delegated planning report

Number: 23/1268/NMA
Applicant Name: Mr P Scoble
Proposal: Non-material amendments to conditions 6, 7, 9, 10, 28, 38, 39, 40 and 41 of planning permission ref. 19/1461/OUT (as amended by 22/1520/NMA) to: allow provision of 22 quick charging points or a minimum of 45 electric charging points; amend the number of pedestrian and/or cycle connections to the south boundary from three to two; amend the s278 works to the public highway; increase the maximum gross internal floor area of Use Class E(d) from 1,116 to 1,395 sq m; increase the maximum gross floor area of Block B from 1,655 to 2,800 sq m and allow a maximum of four separate units in Block B instead of three; and introduce the wording 'unless otherwise agreed in writing by the LPA' or similar to conditions 6, 7, 9, 10, 28 and 39.
Site Address: Land North Of Honiton Road And West Of Fitzroy Road,
Exeter
Honiton Road
Exeter
Registration Date: 17 October 2023
Case Officer: Matthew Diamond
Ward Members: Cllr Hussain, Cllr Miller, Cllr Wood

2.0 Summary of recommendation

Split decision.

Approval recommended for alterations to conditions 9 (Northern Connections), 10 (Southern connections), 28 (S278 Agreement) and 38 (Floorspace Allowances)

Refusal of alterations to conditions 6 (EV Charging), 7 (Electric Bike Hire), 40 (Block A) and 41 (Block B)

3.0 Description of site

The site comprises the land commonly known as 'Moor Exchange' situated between Honiton Road, Fitzroy Road, Myrtlebury Way and the Exeter to Exmouth railway line. In February 2020 it was granted outline planning permission with conditions for the following:

"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 site is located within the Monkerton/Hill Barton Strategic Allocation (Core Strategy Policy CP19).

4.0 Description of development

Non-material amendments to conditions 6, 7, 9, 10, 28, 38, 39, 40 and 41 of planning permission ref. 19/1461/OUT (as amended by 22/1520/NMA) to:
allow provision of 22 quick charging points or a minimum of 45 electric charging points;
amend the number of pedestrian and/or cycle connections to the south boundary from three to two;
amend the s278 works to the public highway;
increase the maximum gross internal floor area of Use Class E(d) from 1,116 to 1,395 sq m;
increase the maximum gross floor area of Block B from 1,655 to 2,800 sq m and allow a maximum of four separate units in Block B instead of three;
introduce the wording 'unless otherwise agreed in writing by the LPA' or similar to conditions 6, 7, 9, 10, 28 and 39.

5.0 Supporting information provided by applicant

- Application letter dated 17 October 2023
- Schedule of Proposed Amendments to Application Description and Conditions of Planning Permission Ref. 19/1461/MOUT and 22/1520/NMA
- Drawing (ref. 162334_PD_05) cited in Condition 28

6.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
19/1461/OUT	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)	PER	05.02.2020
22/1520/NMA	Non-material amendment to the proposal description of planning permission ref. 19/1461/OUT to reflect the new use classes introduced in September 2020 and the classification of the restaurants with drive-thru's as dual use units (Class E(b)/Sui-Generis) and non-material amendments to	PER	23.11.2022

conditions 3, 32, 33, 36, 38, 39, 40, 41, 42, 43 and 45 to reflect the new use classes and to allow the amount and distribution of uses to vary within the parameters of the overall approved floorspace quanta to support the delivery of a new retail anchor for the scheme focused on the sale of convenience goods.

23/0113/RES	Approval of reserved matters of appearance, landscaping, layout and scale in relation to outline permission 19/1461/OUT as amended by 22/1520/NMA for a mixed use development to provide town centre facilities.	PCO
23/1268/NMA	Non-material amendments to conditions 6, 7, 9, 10, 28, 38, 39, 40 and 41 of planning permission ref. 19/1461/OUT (as amended by 22/1520/NMA) to: allow provision of 22 quick charging points or a minimum of 45 electric charging points; amend the number of pedestrian and/or cycle connections to the south boundary from three to two; amend the s278 works to the public highway; increase the maximum gross internal floor area of Use Class E(d) from 1,116 to 1,395 sq m; increase the maximum gross floor area of Block B from 1,655 to 2,800 sq m and allow a maximum of four separate units in Block B instead of three; and introduce the wording 'unless otherwise agreed in writing by the LPA' or similar to conditions 6, 7, 9, 10, 28 and 39.	PCO

7.0 Consultations

None – No consultations were considered necessary

8.0 Representations

None received

9.0 Relevant policies

National Policy and Guidance:

NPPF (Dec 2023)

Planning Practice Guidance (PPG): Flexible options for planning permissions

Development Plan

Exeter Local Development Framework Core Strategy

Exeter Local Plan First Review 1995-2011

Other material considerations

Residential Design Guide SPD

The Exeter Plan – Full Draft Regulation 18 (October 2023)

10.0 Planning assessment

The proposal seeks to amend approval 19/1461/OUT (as amended by 22/1520/NMA).

For clarity the description of 19/1461/OUT was:

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).

This description was then amended under NMA 22/1520/NMA to take into account Use Class Order changes to read:

Mixed use development to provide town centre facilities comprising uses within some or all of Classes E (Commercial, Business and Service) and Sui Generis (Hot Food Takeaways), and specifically E(a) (Retail), E(c) (Financial, Professional and Other Appropriate Services), E(b)(Food and Drink) with associated Take Out and Drive-Thru's (Sui Generis), and E(d) (Indoor Sport / Recreation / Fitness) with associated means of access, access roads, service yards, car parking, infrastructure, public realm and landscaping. (All matters reserved except access).

22/1520/NMA also altered the wording of conditions to reflect the new use classes and the classification of the restaurants with drive-thru's as dual use units (Class E(b)/Sui-Generis) through non-material amendments to conditions 3, 32, 33, 36, 38, 39, 40, 41, 42, 43 and 45 to reflect the new use classes and to allow the amount and distribution of uses to vary within the parameters of the overall approved floorspace quanta to support the delivery of a new retail anchor for the scheme focused on the sale of convenience goods

The proposed amendments are set out below, with any agreed alteration to these conditions through 22/1520/NMA also shown to allow full comparison between original, already agreed, and the proposed wording of this application. Any changes are shown in bold.

Condition 6: EV Charging Spaces – NMA Not Agreed

Original Wording	22/1520/NMA Wording	Proposed Wording
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.	No change to wording	Unless otherwise agreed in writing by the Local Planning Authority , 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, or 22 quick 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.

The reason for this condition states that as well as for policy compliance the level of EV charging is in relation to the submitted Exeter Air Quality Assessment Revision 1 (Ramboll, December 2019).

Verbal discussions with the applicant have advised that there is limited rationale behind this figure of 45 spaces within the Air Quality Assessment, however it remains that this forms part of the reasoning for this condition being placed.

Recent Building Regulation changes are also of consideration, which set out specific requirements for EV charging points. It was confirmed by ECC Building Regulations that the current scheme would need a minimum of 5 charging points and 69 cable routes.

However, the Building Regulation levels would only be applicable if the reasoning for the level of EV points was based solely on SPD/SPG quota levels that were being superseded by the new Building Regulations.

In this instance the justification for the high level of EV charging points was set out in the submitted Air Quality Assessment and formed part of the reason for the condition being placed. The proposed change would therefore be material, requiring an updated Air Quality Assessment to justify the reduction and a fully consideration on the impact on air quality matters.

Condition 7: Electric Bike Hire – NMA Not Agreed

Original Wording	22/1520/NMA Wording	Proposed Wording
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.	No change to wording	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, unless it is agreed in writing by the Local Planning Authority prior to commencement that it is not feasible to do so , and shall be maintained at all times thereafter.

At the time of the original approval there was a city-wide electric bicycle scheme operator, however this has since gone into administration and as of the writing of this report a new provider has not been appointed. This was a company called 'co-bikes' and will be referred to as such for ease in this assessment.

Discussions were held with the applicant over this amendment and a financial contribution was put forward as an alternative option if no operator was in place to replace co-bikes. This was not a suitable option, as conditions cannot require a financial contribution (this should be done through a Unilateral Undertaking or S106 Agreement as part of the main application).

However, the exact wording of the condition itself is also of particular relevance to this amendment with it not stating that the electric-bicycle provider has to be co-bikes or any other appointed provider. The developer is therefore able to engage with other hire companies or provide the facilities themselves.

Should it not be possible to find a provider then a change to this condition would be a material consideration, with mitigation needing to be secured in an appropriate manner. Suitable mitigation would be a material consideration and need to be appropriately secured through a variation to the condition.

For these reasons the amendment to this condition is considered to be material and is not agreed.

Condition 9: Bus/Pedestrian/Cycle Links – NMA Agreed

Original Wording	22/1520/NMA Wording	Proposed Wording
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	No change to wording	Detailed plan(s) of the bus/pedestrian/cycle access to the north boundary, or plans of the pedestrian/cycle access and written evidence that the bus access is either no longer necessary or no longer feasible , shall be submitted at Reserved Matters Stage

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.		Any plan that includes the bus route 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 approved access route(s) shall be constructed in accordance with the approved plans prior to the first occupation of any unit of the development and managed and maintained in accordance with the approved details at all times thereafter.
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The proposed wording initially sought to introduce 'unless otherwise agreed in writing' to this condition. This was not an appropriate inclusion, with non-material amendments or variation of condition processes in place should the condition need to be removed in any way.

Following discussions with the applicant it was confirmed that the problem is in relation to the delivery of the bus link aspect of the condition, with the pedestrian and cycle routes still proposed to be provided.

Revised wording was put forward to change the trigger point for details of the links from pre-commencement to Reserved Matters stage and add a clause for the bus route aspect to be removed if it can be evidenced that it is not feasible to be provided.

On balance it is considered that the amendment gives an alternative option regarding bus routes whilst requiring clear evidence to demonstrate why it is not suitable. This can then be fully assessed at Reserved Matters stage as to its acceptability as a material change.

The amendment is therefore considered to be non-material and is agreed.

Condition 10 – Southern Connections – NMA Agreed

Original Wording	22/1520/NMA Wording	Proposed Wording
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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	No change to wording	Prior to the commencement of the development hereby permitted, detailed plans, including sections to confirm gradients, of two 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.
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The application sought to add in 'unless otherwise agreed in writing' whilst also changing the number of southern connection points from three to two.
As set out previously, this is not an acceptable amendment and it was agreed to specifically state that only 2 access points would be required.

The topography and layout of the site is such that two access points are a more suitable provision, with the need for ramped and staired access routes from the boundary, which will still provide accessible access points for users of the site.

Condition 28: S278 Agreement – NMA Agreed

Original Wording	22/1520/NMA Wording	Proposed Wording
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	No change to wording	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 162334_PD_05C ('S278 Works Honiton Road Widening and Proposed Bus Stop Relocation and Controlled Crossings') unless otherwise agreed in writing by the Local Planning Authority. The works shall be implemented prior to

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.		the occupation/use of the development and maintained at all times thereafter.
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It is proposed to alter the approved plan and remove an aspect requiring details of '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'.

These aspects are matters dealt with by the Local Highway Authority, not the Planning Authority. There is a need to ensure the detail has been agreed with the LHA and evidence has been provided to confirm this is the case.

The alteration is therefore a non-material amendment, with the detailing a material matter for the LHA separately from the LPA.

Condition 38: Floor space quantum – NMA Agreed

Original Wording			22/1520/NMA Wording		
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:			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		Development Parameter	Quantum	
Maximum Floorspace (sq m GEA)	11,527		Maximum Floorspace (sq m GEA)	11,527	
Maximum Floorspace (sq m GIA)	11,004		Maximum Floorspace (sq m GIA)	11,004	
Use Class	Maximum (sq m GIA)		Use Class	Maximum (sq m GIA)	
A1 (Shops)	8,659		E(a) (Retail)	8,659	
A2 (Financial and professional services)	465		E(c) (Financial, professional and other services)	92	
A3 (Restaurants and cafes, including drive-throughs)	1,021		E(b)/Sui Generis	1,137	
A5 (Hot food takeaway)	116		(Restaurants and cafes, including take-out and drive-throughs)		
D2 (Gym)	743		E(d) (Indoor Sport/Recreation/Fitness)	1,116	

Proposed Wording
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

Within the overall maximum floorspace parameters specified above:

Use Class	Maximum (sq m GIA)
E(a) (Retail)	8,659
E(c) (Financial, professional and other services)	92
E(b)/Sui Generis (Restaurants and cafes, including take-out and drive-throughs)	1,137
E(d) (Indoor Sport/Recreation/Fitness)	1,395

The previous amendment saw agreed changes to the use class definition and maximum floor space quantum.

This proposal retains the majority of floor space but seeks an increase in the Class E(d) (Indoor sport/recreation/fitness) from the amended 1,116sqm to 1,395 sqm.

Whilst this is an increase on the level of Use Class E(d) space proposed there is no alteration to the overall maximum floor space levels for the entire development from that original approved. The mix of units is also secured through other conditions, in particular Condition 40 which requires a convenience (food) retailer which formed a key part of the original site design.

It is therefore considered that whilst the level indoor sport/recreation/fitness may be increased, the overall function of the development will be retained in providing a convenience (food) retailer as well as other appropriate uses and the amendment is non-material.

Condition 39: Retail Sales Area – NMA Not Agreed

Original Wording	22/1520/NMA Wording	Proposed Wording
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).	The total net sales area of the retail (Class E(a)) 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).	The total net sales area of the retail (Class E(a)) floorspace hereby permitted shall not exceed 7,552 sq m, of which no more than 2,789 sq m and no less than 700 sq m shall be used for the sale of convenience goods (including post office goods).

The appellant originally sought to add in 'Unless otherwise agreed in writing by the Local Planning Authority' to this condition. No proposed alterations have been specified and this condition does not require submission of any details for submission to the LPA.

As an alternative it was put forward to alter the convenience goods sale area to be reduced from the current 1000sqm to a minimum of 700sqm. It was stated that this was to bring it in line with Condition 40(c) which requires 'at least one unit of not less than 929 sqm (GIA) for predominantly convenience (food) retailing; up to 20% of the net sales area may be used for ancillary comparison goods sales'.

This amendment to the sales area size is not considered to be non-material, with the provision of a convenience retailer forming part of the original acceptability of the scheme. An amendment to the level of floor space provision is therefore a material consideration and would be subject to a S73 application to vary or modify it.

Condition 40: Block A– NMA Not Agreed

Original Wording	22/1520/NMA Wording
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);	The reserved matters to be submitted pursuant to this planning permission for the E(a) retail and E(d) Fitness block to the west of the site ('Block A') shown on drawing number 16009-036 B ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 8,733 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 5,600 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 convenience goods and/or 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.	c) Unless the floorspace equivalent is incorporated in (b) above, 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.
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Proposed Wording
The reserved matters to be submitted pursuant to this planning permission for the E(a) retail and E(d) Fitness block to the west of the site ('Block A') shown on drawing number 16009_036_B ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 8,733 sq m (including mezzanine floors) limited as follows: a) A maximum of five separate retail units; b) A unit with a maximum floor area of 5,600 sqm (GIA) and a maximum net sales area of 3,329 sqm; 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 convenience goods and/or 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) Unless the floorspace equivalent is provided elsewhere in the scheme, at least one unit of not less than 929 sqm (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

This amendment seeks to change the requirement for the retail unit to be provided in Block A, whilst adding a potential additional unit into the block.

It is acknowledged that this change does not remove the retail aspect from the scheme, however it may see it positioned in Block B. The original scheme was approved with a

specific parameter plan and clear uses for each block set in conditions. Whilst a change may, or may not, be acceptable the nature of this development alongside the control mechanisms in place mean that such a change would be a material consideration and require full assessment of the overall layout and impacts through such changes.

As such, this aspect is not agreed.

Condition 41 – Block B

Original Wording	22/1520/NMA Wording
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 sqm (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.	The reserved matters to be submitted pursuant to this planning permission for the Class E block to the north of the site ('Block B') shown on drawing number 16009-036 B ('Proposed Site Parameters Plan') shall comprise a maximum gross floor area of 1,655 sqm (including mezzanine floors) limited as follows: a) A maximum of three separate units of not less than 116 sq m (GIA) each for purposes within Class E, of which a maximum of one retail unit can be occupied by retailers (Class E(a)) whose operation is predominantly the sale of clothing, footwear and/or clothing fashion goods.

Proposed Wording
The reserved matters to be submitted pursuant to this planning permission for the Class E block to the north of the site ('Block B') shown on drawing number 16009_036_B ('Proposed Site Parameters Plan'), and within the limits of the overall maximum floorspace parameters specified in Condition 38, shall comprise a maximum gross floor area of 2,800 sqm (including mezzanine floors) limited as follows: a) A maximum of four separate units of not less than 116 sqm (GIA) each for purposes within Class E, of which a maximum of one retail unit can be occupied by retailers (Class E(a)) whose operation is predominantly the sale of clothing, footwear and/or clothing fashion goods;

The proposed amendment proposes Block B having a maximum of 4 units within it in comparison to the 3 currently agreed. In addition it proposes to increase the total overall floorspace provision of Block B to 2,800sqm, including mezzanine level.

As with Condition 40 (Block A) the original approval was agreed subject to specific parameters and conditions. This proposal would potentially see an additional unit and an additional 714sqm of floor space above the original proposal (and 1,145sqm above that agreed through 22/1520/NMA).

It is noted that there are other restrictions in place via condition that assist in controlling the use of this unit, however it is considered that the changes would be material and need to be given full assessment through a S73 application to consider potential impacts.

This aspect is therefore refused.

Other Matters

During the application process an amendment to Condition 45 (District/Local Centres) was put forward. This condition currently seeks protection of the existing local, district and city centre retail spaces and has a control mechanism to prevent retailers leaving these areas to move into this new development.

The Local Planning Authority considers that a change to this condition would be a material alteration and as such would require a S73 to allow full assessment of any changes on existing centres.

This amendment has therefore not been added to this application.

11.0 Recommendation

Split decision.

Agreed changes to conditions 9 (Northern Connections), 10 (Southern connections), 28 (S278 Agreement) and 38 (Floorspace Allowances).

Refusal of alterations to conditions 6 (EV Charging), 7 (Electric Bike Hire), 40 (Block A) and 41 (Block B)