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Town and Country Planning Act 1990 and its orders

NON-MATERIAL AMENDMENT SPLIT DECISION

PART GRANTED, PART REFUSED

LOCATION: Land North Of Honiton Road And West Of Fitzroy Road, Exeter , Honiton Road, Exeter,

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.

APPLICATION NUMBER: 23/1268/NMA

Non-material amendment(s) Approved:

Condition 9: Bus/Pedestrian/Cycle Links

The alteration to the wording of the condition is agreed to be non-material. It alters a trigger point for assessment of details and allows evidence to be submitted at Reserved Matters stage as to whether the bus link is deliverable. Whilst this introduces a potential for change from the approved details, the material assessment of this will be undertaken at Reserved Matters stage.

This condition is therefore agreed to be worded as follows:

Condition 9: Bus/Pedestrian/Cycle Links

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. 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.

Condition 10: Southern Links

The alteration to the wording of the condition to reduce the number of southern connection points from 3 to 2 is considered to be non-material. This is because of the topography and site layout that means 2 connecting points will still provide a suitable level of access for users and allow appropriate landscaping to the Honiton Road frontage.

The condition is therefore agreed to be worded as follows:

Condition 10: Southern Links

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.

Condition 28: S278 Agreement

The alterations to the wording of the condition to substitute a new plan are considered to be non-material. The overall functionality and design of the junction is a Local Highway Authority matter for consideration of acceptability and therefore the material impacts of such changes lie with that authority.

The condition is therefore agreed to be worded as follows:

Condition 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 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 the occupation/use of the development and maintained at all times thereafter.

The changes listed above are considered to be acceptable and non-material to the original planning permission. This decision permits the development to be carried out in accordance with the original planning permission, as amended by the plans and/or details submitted with the application number above showing the approved non-material amendment(s). It does not replace the original planning permission, which still stands, and they should be read together.

Condition 38: Floor Space Quantum

The proposed alteration to the quantum of Class E(d) (Indoor Sport/Recreation/Fitness) is considered to be non-material and is agreed.

The alteration allows for an increase in this space, however there are other controls set out in conditions in relation to other uses and floorspace provision that will prevent this alteration materially altering the approved scheme.

The condition is therefore agreed to be worded as follows:

Condition 38: Floor Space Quantum

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:

<i>Development Parameter</i>	<i>Quantum</i>
<i>Maximum Floorspace (sq m GEA)</i>	<i>11,527</i>
<i>Maximum Floorspace (sq m GIA)</i>	<i>11,004</i>

Within the overall maximum floorspace parameters specified above:

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

Non-material amendment(s) Refused:

Condition 6: EV Charging

This change is a material amendment to the approved scheme because the reason for 45 EV charging spaces was to mitigate for Air Quality Impacts as set out in the Exeter Air Quality Assessment Rev 1 (Ramboll, December 2019). This document was referenced in the reasons for the condition on the decision notice.

The revision to this condition would therefore be material and require an updated Air Quality Assessment detailing the impacts of such a reduction and if alternative mitigation is required.

Condition 7: Electric Bike Hire

This change is a material amendment to the approved scheme as it is not possible to secure mitigation for non-delivery through the non-material amendment process.

The condition wording does not require delivery through an appointed provider, with the developer having the option to provide it through any operator they wish.

Any financial contribution to the Highway Authority to provide mitigation for non-delivery by the developer would not be possible as this cannot be dealt with via condition. Such matters would require appropriate assessment as to why it cannot be delivered by an alternative provider, as well as legal agreements to secure the mitigation monies.

Condition 39: Retail Sales Area

This change is a material amendment to the approved scheme as an alteration to the floor space provision and number of units will materially alter the scheme. The original decision was subject to a parameter plan and specific conditions on floor space and an amendment to this would be a material change to the context under which it was originally approved.

Condition 40: Block A

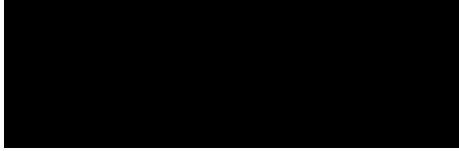
This change is a material amendment due to the original scheme being assessed and conditioned for a specific number of units and specific level of floorspace for uses within Block A. These alterations are a material departure from the scheme that was originally assessed and decided upon and is therefore considered to be a material amendment with full consideration of material impacts of the changes required.

Condition 41: Block B

This change is a material amendment to the number of units and floorspace provision within the block. This is due to the original application being assessed under specific parameters and secured with appropriate conditions.

The proposed changes are considered to be a material deviation from the assessed and approved scheme and would therefore require full consideration of the material impacts of them.

Signed



Roger Clotworthy
Exeter City Council
Service Lead- City Development

Date: 10th May 2024