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Devon  
EX4 9EY

## Town and Country Planning Act 1990 and its orders

### **FULL PLANNING PERMISSION GRANTED**

**LOCATION:** 58 Main Road, Pinhoe, Exeter, Devon EX4 9EY

**PROPOSAL:** Replacement of existing garage, forecourt and retail units with a mixed-use development including residential and commercial (Revised plans).

**APPLICATION NUMBER:** 22/1223/FUL

The Local Planning Authority grants planning permission for the above development subject to the following conditions:-

1) 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.

2) 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 04/09/2023 including drawings numbers as follows:

20.94\_PL\_001A, 20.94\_PL\_002A, 20.94\_PL\_003A, 20.94\_PL\_004, 20.94\_PL\_005,  
20.94\_PL\_006A, 20.94\_PL\_007B, 20.94\_PL\_008, 20.94\_PL\_009, 20.94\_PL\_100A,  
20.94\_PL\_101A, 20.94\_PL\_102A, 20.94\_PL\_103A, 20.94\_PL\_104A, 20.94\_PL\_105A,  
20.94\_PL\_106A, 20.94\_PL\_200A, 20.94\_PL\_201A, 20.94\_PL\_202A, 20.94\_PL\_203,  
20.94\_PL\_204A, 20.94\_PL\_205A, 20.94\_PL\_206A, 20.94\_PL\_207, 20.94\_PL\_301,  
20.94\_PL\_302, as modified by other conditions of this consent.

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

3) Samples of the materials to be used externally in the construction of the development, shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the

materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area.

4) (Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until an Road Safety Audit Stage 1 (RSA S1) and detailed scheme for the offsite highway improvement works has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, any problems identified in the RSA S1 must be adequately rectified to a standard deemed acceptable by the Local Planning Authority.

(Part B) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity in accordance with saved policies T1 and T3 of the Exeter Local Plan First Review, the Sustainable Transport SPD and paragraphs 110 and 112 of the NPPF (2023)

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

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

6) Pre-commencement condition: A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that

the impacts of the development works are properly considered and addressed at the earliest possible stage.

7) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with the Tree Protection Plan and Arboricultural Method Statement and plan submitted in support of the application hereby approved. These plans shall be adhered to in full and subject to the pre-arranged tree protection monitoring and site supervision, detailed in the Tree Protection Statement (ref: TH/A862/0321), by a suitably qualified tree specialist. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

8) In the event of failure of any trees, shrubs or vegetation planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

9) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

10) Prior to occupation of any dwelling hereby approved or any part of the development being brought into its intended use, the ecological enhancements submitted plan as part of the Ecological Impact Assessment (GE Consulting, September 2023) and hereby approved, shall be fully installed as per Figure 2 Ecological Enhancement Plan and sections 6.1, 6.2 and 6.3. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the ecological enhancement plan.

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

11) No individual dwelling hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that shall

previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

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

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

Reason: In the interests of the amenity of the occupants of the buildings hereby approved.

13) The uses hereby approved shall not be carried on other than between the hours of :-

Garage: 08:30 - 18:00 Mondays to Fridays;

Kiosk: 08:30 - 18:00 Mondays to Saturdays;

Commercial: 08:30 - 22:00 Mondays to Saturdays, 08:30 - 16:00 on Sundays

None of the uses shall be carried on at all on public or Bank Holidays.

Reason: So as not to detract from the amenities of the nearby residential property.

14) Prior to occupation of the development hereby permitted, a travel pack for each occupier shall be provided, informing all residents of walking and cycling routes and facilities, public transport routes and timetables, car and cycle sharing schemes, and the location of local and central shopping and leisure facilities. The plan must also provide a method to inform occupiers that they would not be entitled to a residents' parking permit from Devon County Council and a review and monitoring mechanism, the form and content of which shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that all occupants of the development are aware of the available sustainable travel options.

15) No external lighting shall be installed on the site or on the building 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.

16) Total noise from all fixed building services plant and equipment shall not exceed a rating noise level of 42dB (07.00 to 23.00) and 31dB (23.00 to 07.00), measured in accordance with BS4142:2014 at 1m from any residential façade.

Reason: So as not to detract from the amenities of nearby occupiers.

## INFORMATIVES

1) 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 Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. 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).

2) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).