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Town and Country Planning Act 1990 and its orders

FULL PLANNING PERMISSION GRANTED

LOCATION: 1-6 North Street And 182-184, 185 And 186 Fore Street, Exeter, Devon,

PROPOSAL: Change of use of shops and apartments to cafe, offices and 24 apartments, including roof extension.

APPLICATION NUMBER: 19/0440/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 91-92 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 23 March 2019 (including dwg. no. 17117 02 10), 4 April 2019 (including dwg. nos. 17117 03 11 Rev B, 17117 03 12 Rev B and 17117 03 13 Rev B), 13 August 2019 (including dwg. nos. 17117 02 11 Rev C and 17117 04 10 Rev C), 31 January 2020 (including dwg. nos. 17117 02 13 Rev C 17117 03 10 Rev D and 17117 04 11 Rev C), as modified by other conditions of this consent. Nonetheless the compliance with approved drawings detailed design of lift overruns and air intake risers on the roof shall be submitted to the Local Planning Authority and not built until the Local Planning Authority has approved the design in writing.
Reason: In order to ensure compliance with the approved drawings. Insufficient information was submitted with the application with regard to the details of lift overruns and air intake risers on the roof.

3) Samples and/or product specification sheets, including confirmation of colour, of the materials it is intended to use 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) Pre-commencement condition: No development works shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- a) The parking of vehicles of site operatives and visitors.
 - b) The areas for loading and unloading plant and materials.
 - c) Storage areas of plant and materials used in constructing the development.
 - d) The erection and maintenance of securing hoarding, if appropriate.
 - e) Measures to control the emission of dust and dirt during construction (to include, but not limited to, the mitigation measures in paragraph 6.1 of the Peter Brett Associates LLP report Paternoster House, Exeter - Air Quality Assessment, project ref: 45566/3001, rev: Rev.01, date: April 2019)..
 - f) No burning on site during construction or site preparation works.
 - g) Measures to minimise noise nuisance to neighbours from plant and machinery.
 - h) 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.

5) An air quality assessment (Peter Brett Associates LLP report Paternoster House, Exeter - Air Quality Assessment, project ref: 45566/3001, rev: Rev.01, date: April 2019) was submitted with the application, the proposed mitigation measures in this assessment shall be carried out and the development shall not be occupied until the hereby approved mitigation measures to reduce the number of vehicle trips in chapter 6.2 have been implemented.

Reason: In the interests of future occupants and the surrounding area.

6) No work to external constructions, windows, ventilation and plants shall commence until a noise assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the Local Planning Authority and the results, together with any mitigation measures necessary, have been agreed in writing by the Local Planning Authority. The noise assessment and mitigation measures shall include proposed ventilation and noise from plants. The development shall not be occupied until the approved mitigation measures have been implemented in full.

The applicant should aim to achieve at least the standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings and WHO Guidelines for Community Noise.

Reason: Insufficient information was submitted with the application and in the interests of the amenity of future occupiers. These details are required pre-commencement as specified to ensure that any necessary mitigation measures are included in the construction of the development.

7) Prior to occupation of the development the cycle parking shall be provided in accordance with the submitted details in the application. The cycle parking shall be maintained at all times thereafter.

Reason: To provide adequate facilities for sustainable transport.

8) Prior to occupation of the development the bin storage shall be provided in accordance with the submitted details in the application. The bin storage shall be maintained at all times thereafter.

Reason: To provide adequate facilities for refuse, recycling and household waste.

9) An ecological report with recommendations (Ecological Survey Report, Paternoster House, Exeter by Blackdown Environmental: October 2019) was submitted with the application, the proposed recommendations in this report (Evaluation and Recommendation in chapter 5 and Conservation and Action Statement in appendix 6) shall be carried out and the development shall not be occupied until the recommendations have been implemented.

Reason: In the interests of preservation and enhancement of biodiversity in the locality.

10) Prior to the installation of any new plant on the site, details of the plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design including any compound and noise levels. The plant shall not exceed 5dB below the existing background noise level at the site boundary. If the plant exceeds this level, noise mitigation measures shall be implemented to achieve this in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The noise mitigation measures shall be maintained for the lifetime of the plant. All measurements shall be made in accordance with BS 4142:2014 or any superseding standard.

Reason: In the interests of the amenity of the area, especially nearby residential uses. These details are required pre commencement as specified to ensure that the plant will not give rise to significant adverse impacts on the amenity of neighbouring receptors.

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 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).

2) 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, if this has not already been done. 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.

3) 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.

4) Health and Safety/Food Safety

Although not matters contained within the scope of this application, the applicant should be advised to contact the Commercial Section of Environmental Health Services (01392 265148) in order to ensure that the following items will comply with all relevant British Standards, Regulations and guidance:

- o Food safety issues - design and layout of the kitchens including fixtures, fittings, storage and ventilation.
- o Adequate provision of WCs.

5) Works to the public highway to enable co-cars and electric charging points would require Traffic Regulation Orders.

Signed 
City Development Manager

Dated: 23rd March 2020

**Notification where planning permission refused or granted subject to conditions
Town and Country Planning Act 1990**

**Article 35(3) of The Town and Country Planning (Development Management Procedure)
(England) Order 2015 (as amended)**

Appeal

If you are aggrieved by the decision of the Local Planning Authority to either refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. Only the person who made the application can appeal.

To submit an appeal, please go to the Planning Inspectorate website:
<https://www.gov.uk/government/organisations/planning-inspectorate>

Appeals must be made using a form, which can either be completed and submitted online or can be sent to you in the post by the Planning Inspectorate. To request a form, please contact the Planning Inspectorate using their contact details below:

The Planning Inspectorate
Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Planning Inspectorate customer support team
0303 444 5000
enquiries@planninginspectorate.gov.uk

A copy of the completed form and all supporting plans and documents must also be sent to the Local Planning Authority. The Planning Inspectorate will be able to advise you on the best way to do this. Please use the Council's contact details at the top of the decision notice.

If you want to make an appeal you must do so within **6 months** of the date of this notice, unless it is a **householder appeal** in which case you must do so within **12 weeks** of the date of this notice. The date is at the bottom of the decision notice.

If an enforcement notice has been served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within **28 days** of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within whichever period expires earlier out of the following:

- 28 days of the date of service of the enforcement notice, or
- 6 months of the date of this notice, unless it is a householder appeal in which case 12 weeks of the date of this notice.

Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. Guidance on planning appeals is available on the Planning Practice Guidance website: <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part 6 of the Town and Country Planning Act 1990.