

PLANNING

Date: Monday 20 February 2023

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

Entry to the Civic Centre can be gained to the rear of the Customer Service Centre, Paris Street.

Membership -

Councillors Morse (Chair), Sutton (Deputy Chair), Asvachin, Bennett, Bialyk, Branston, Foale, Hannaford, Jobson, Lights, Mitchell, M, Moore, D, Newby and Snow

Agenda

Part I: Items suggested for discussion with the press and public present

10 **Update Sheet**

(Pages 3 -
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Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 27 March 2023** at 5.30 pm in the Civic Centre.

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PLANNING COMMITTEE – 20th February 2023

ADDITIONAL INFORMATION - Correspondence received and matters arising following preparation of the Agenda

Item 4: Planning Application No 21/1564/OUT – Former Police Station And Magistrates Court, Heavitree Road.

Since the committee report was published the following consultee responses were received:

RSPB: The general principles outlined in our previous comments remain unchanged.

NHS Devon Integrated Care Board (ICB): Based on single occupancy rooms, the s106 contribution request is £256 per room.

Heritage Officer (ECC): I have considered the revisions in conjunction with my previous comments and whilst I welcome the changes in terms of design, I think my original advice remains an accurate reflection of Local and national policy in regard to this application.

Exeter Civic Society: Objection withdrawn – In the light of further information and illustration Planning sub-committee of Exeter Civic Society no longer objects to this application as a whole although one member of the sub-committee feels strongly that the SE corner is still too prominent.

Disability Access Champion, Living Options Devon:

Despite trying several times I am still unable to open the Design and Access Statement for this application, therefore the comments below are made without the opportunity to read the DAS.

It is noted from the documents I have been able to open that the site will be developed with the emphasis on green travel and there will be some parking for disabled people (a necessity for many) and dropping off space.

It is noted that there will also be secure parking with charging facilities for bicycles. Could provision also be made for storing and re-charging mobility scooters? More people who are unable to walk any distance are using mobility scooters to travel locally as an alternative to using cars for short distances.

It is assumed that the 'affordable' housing will include at least 5% fully wheelchair accessible/adaptable accommodation.

Other Matters

Following a question by the case officer on whether the proposed bin stores have sufficient capacity for the number of refuse and recycling bins calculated by the Waste

& Recycling Team (ECC), the agent responded on 15 February 2023 stating that the schemes will be subject to private bin collection services and the refuse strategy has been designed around a twice weekly collection cycle. The response can be viewed in full on the Council's website.

Following a query from a local resident why a revision to drawing number A11910 D 0300 Rev 3 ('Site Context Sections Proposed') was not included in the submitted new plans, a revision to this drawing was submitted on 15 February 2023.

Following a query by the case officer on where the external access to the co-living bin store was and how the co-living courtyard was accessed on the ground floor, a revision to drawing number A11910 D 0100 Rev 8 ('Proposed plan level 0 Co-living ground floor PBSA lower ground floor') was submitted on 15 February 2023 showing three internal doors to the courtyard – one from the communal amenity area and two from the corridor adjoining the courtyard. The agent also stated that the co-living refuse uses the adjacent goods lift to take the bins up one floor to access the roadway. This was to ensure that the cycle store had convenient and prominent access to encourage its use.

In response to the questions by the Lead Local Flood Authority (DCC), the agent responded on 16 February 2023 stating 'the courtyards are not decreasing in size so it is expected that the tanks will still be able to fit. Would this be sufficient for now with the detailed design secured by a condition?' The Lead Local Flood Authority officer responded on 16 February 2023 stating that they will propose the same condition as previously.

Since the committee report was published, it was noted that the number of rooms on the Co-living and PBSA Schedules differed from those shown on page 6 of the DAS Addendum. Section 3.0 of the committee report took the room numbers from the DAS Addendum, i.e. 646 rooms in the PBSA block and 318 rooms in the co-living block. However, this is incorrect. Following examination of the submitted plans, there are 640 rooms in the PBSA block and 315 rooms in the co-living block. This means that the number of rooms has been reduced slightly more compared to the previous design iteration taken to planning committee. The PBSA block previously had 677 rooms, so 37 rooms have been removed. The co-living block previously had 358 rooms, so 43 rooms have been removed.

The recommendation in section 9.0 of the committee report is updated to the following:

9.0 Recommendation

A) DELEGATE TO DIRECTOR OF CITY DEVELOPMENT TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:

- 20% of the co-living units (i.e. 63) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers.
- Habitats Mitigation = £326,097.45 (in relation to the co-living development only)

- NHS Devon ICB contribution = £244,480 (£163,840 for PBSA and £80,640 for co-living)
- Public open space contribution = £436,435 (£292,480 for PBSA and £143,955 for co-living)
- Play (outdoor adult fitness equipment) contribution = £111,735 (£74,880 for PBSA and £36,855 for co-living)
- Student Management Plan for PBSA block
- Co-living Management Plan/Monitoring for Co-living block

And the following conditions:

1. Reserved Matter

Details of landscaping (hereinafter called "the reserved matter") for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins within that phase and the development shall be carried out as approved.

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

2. Standard Time Limits – Outline Planning Permission

Application(s) for the approval of the reserved matter relating to the phased development hereby permitted in outline shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission, and the development of each phase hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matter for that phase.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this permission:

Received 07.10.2021

- Location Plan (A11910 D 0001 Rev 1)

Received 06.01.2023

- Site plan Proposed (A11910 D 0003 Rev 5)
- Phasing plan (A11910 D 0004 Rev 4)
- Setting out based on current Stage 2 design information (A11910 D 0005 Rev 4)
- Proposed plan level B Co-living lower ground floor (A11910 D 0099 Rev 8)

- Proposed plan level 1 Co-living first floor PBSA ground floor (A11910 D 0101 Rev 8)
- Proposed plan level 2 Co-living second floor PBSA first floor (A11910 D 0102 Rev 8)
- Proposed plan level 3 Co-living third floor PBSA second floor (A11910 D 0103 Rev 7)
- Proposed plan level 4 Co-living fourth floor PBSA third floor (A11910 D 0104 Rev 7)
- Proposed plan level 5 Co-living fifth floor PBSA fourth floor (A11910 D 0105 Rev 7)
- Proposed plan level 6 Co-living sixth floor PBSA fifth floor (A11910 D 0106 Rev 7)
- Proposed plan level 7 Roof (A11910 D 0107 Rev 6)
- Elevations A1 & A2 Proposed (A11910 D 0201 Rev 4)
- Elevations B1 & B2 Proposed (A11910 D 0202 Rev 4)
- Elevations C & D Proposed (A11910 D 0203 Rev 4)
- Elevations E & F Proposed (A11910 D 0204 Rev 4)
- Sections AA & BB Proposed (A11910 D 0301 Rev 5)
- Sections CC Proposed (A11910 D 0302 Rev 5)
- Sections DD Proposed (A11910 D 0303 Rev 5)
- Section EE Proposed (A11910 D 0304 Rev 5)
- Sketch Site Plan (5519-OOB-XX-XX-SK-L-0005 Rev P13)
- Planting (5519-OOB-XX-XX-SK-L-0006 Rev P13)
- Tree Plan (5519-OOB-XX-XX-SK-L-0007 Rev P14)
- Fire service site plan Proposed (A1190 S 0003 Rev P3)
- Co-Living Courtyard (5519-OOB-XX-XX-SK-L-9001 Rev P04)
- Green Link (5519-OOB-XX-XX-SK-L-9002 Rev P04)
- PBSA Courtyard (5519-OOB-XX-XX-SK-L-9003 Rev P04)
- Pedestrian and Vehicular Access Arrangement (72032-CUR-00-XX-DR-TP-75007 Rev P03)

Received 15.02.2023

- Site Context Sections Proposed (A11910 D 0300 Rev 4)
- Proposed plan level 0 Co-living ground floor PBSA lower ground floor (A11910 D 0100 Rev 9)

Reason: To ensure the development is constructed in accordance with the approved plans and documents, unless modified by the other conditions of this permission.

4. Surface Water Drainage

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- A detailed drainage design based upon the approved Flood Risk Assessment.
- Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

- Proposals for the adoption and maintenance of the permanent surface water drainage system.
- A plan indicating how exceedance flows will be safely managed at the site.
- Evidence that there is agreement in-principle from South West Water.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under a) - e) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

5. Biodiversity Mitigation and Enhancement Plan

Applications for approval of the reserved matter shall include a Biodiversity Mitigation and Enhancement Plan setting out how the landscaping details mitigate and enhance the biodiversity of the site taking account of the recommendations in Section 5.0 of the submitted Ecological Appraisal & Phase 1 Bat Survey (Updated September 2021). The Plan(s) shall also include measures to mitigate and enhance biodiversity through the design and construction of the buildings. The Biodiversity Mitigation and Enhancement Plan(s) shall be implemented as approved.

Reason: To protect and enhance biodiversity on the site in accordance with Policy CP16 of the Core Strategy, and paragraph 180d) of the NPPF (2021).

Pre-commencement Details – Phases

6. Contamination

No development (except demolition) shall take place within any approved phase of the development until a full investigation of the site within that phase 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 buildings within each phase shall not be occupied until the approved remedial works for the phase 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: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

7. Archaeology

No development related works shall take place within any approved phase of the development until a written scheme of archaeological work for that phase has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall include on-site work, and off site work such as the analysis, publication, and

archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme for the phase, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

8. CEMP (Biodiversity)

No development (including demolition and ground works) shall take place of any approved phase of the development until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMPs shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- Risk assessment of potentially damaging construction activities, taking account of the recommendations in section 5.0 of the submitted Ecological Appraisal & Phase 1 Bat Survey (Updated September 2021).
- Identification of "biodiversity protection zones".
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMPs shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted protected species reports. A CEMP is required before any development within a phase begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

9. Construction Method Statement

Prior to the commencement of development in any approved phase (including ground works), a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Statements shall provide for:

- Construction vehicle numbers, type routing.
- Access arrangements to the site.
- Traffic management requirements.

- Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas).
- The erection and maintenance of securing hoarding, if appropriate.
- Siting and details of wheel washing facilities.
- Cleaning of site entrances, site tracks and the adjacent public highway.
- Provision of sufficient on-site parking prior to commencement of construction activities.
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- Measures to control the emission of dust and dirt during construction.
- No burning on site during construction or site preparation works.
- Measures to minimise noise nuisance to neighbours from plant and machinery.
- 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 unless alternative times have been agreed in writing with the Local Planning Authority.

The Construction Method Statements shall address all works within the phase, including any demolition and remediation works.

The approved Statements shall be strictly adhered to throughout the construction period of the phase of the development to which they relate.

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.

10. Waste Audit Statement

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

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.

11. Noise Impact Assessment

Prior to the commencement of development in any approved phase, a Noise Impact Assessment for the development within that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall assess the impact of noise

generated by the development on local receptors, including noise from plant and equipment. The noise from plant shall not exceed 5dB below the existing background noise level at the site boundary. The Assessment shall include design details of any noise mitigation measures that are required, which shall be implemented prior to the occupation of development in the relevant phase as approved.

Reason: To protect the amenity of the surroundings from noise generated by the development. These details are required pre-commencement as specified to identify any mitigation measures that are necessary, so that they can be implemented in the construction stage.

Pre-commencement Works

12. Tree Protection

No materials shall be brought onto the site or any development commenced, until the tree protective fencing indicated on drawing number TH/A780/1222 Rev 4.0 ('Tree Protection Plan') within the submitted Arboricultural Report (Advanced Arboriculture, 19th December 2022) has been installed and inspected by an officer of the Local Planning Authority. The developer shall maintain the fencing 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 areas, nor shall trenches for service runs or any other excavations take place within the fenced areas except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the tree to be retained during the carrying out of the development. These measures are required pre-commencement as specified to ensure that the health of the tree to be retained is not harmed by building operations.

Pre-tree and Vegetation Clearance Works

13. Bird Nesting 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 nesting 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 previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If nesting birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

Reason: To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 180 of the NPPF.

During Construction

14. Unsuspected Contamination

If, during development of any approved phase, contamination not previously identified is found to be present at the site then no further development in that phase (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: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

Pre-Specific Works

15. Energy Performance (Policies CP14 and CP15)

Before commencement of construction of the superstructure of each building hereby permitted, a SAP calculation for the building shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations will be achieved, or if the building is constructed to the 2022 Building Regulations that a reduction in CO2 emissions at the levels (or higher) set out in Part L of the 2022 Building Regulations will be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented and within 3 months of practical completion of each building the developer shall submit a report to the Local Planning Authority from a suitably qualified consultant to demonstrate compliance with this condition.

Reason: To ensure the buildings will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development. (Advice: Please see Paragraph: 012 ID: 6-012-20190315 of the National Planning Practice Guidance on Climate Change for background information.)

16. Acoustic Design Statement

Prior to the construction of the buildings within an approved phase of the development (not including the foundations), an updated Acoustic Design Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall also include an assessment of overheating conditions. The Acoustic Design Statement shall demonstrate how the building will achieve both sustainable acoustic comfort and sustainable thermal comfort. Any mitigation measures required shall be implemented in full prior to the occupation of the development, and maintained thereafter.

Reason: In the interests of residential amenity. These details are required pre-commencement as specified to identify any mitigation measures that are necessary, so that they can be implemented in the construction stage.

Advice: The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement. The ANC/IoA guidance 'Acoustics Ventilation and Overheating: Residential Design Guide' provides methods by which the overheating assessment can be conducted.

17. Decentralised Energy Network

Unless it is agreed in writing by the Local Planning Authority prior to the construction of the buildings in each phase 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. Space shall be provided for the necessary on-site infrastructure (including pipework, plant and machinery) for connection of those systems to the network at points at the application site boundary, as agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposal complies with Policy CP13 of Councils Adopted Core Strategy and paragraph 153 of the NPPF and in the interests of delivering sustainable development.

18. Materials

Prior to the construction of the buildings within an approved phase of the development (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. In the case of the PBSA block, detailed design drawings of the glazed infill element between the roof gables at the south east corner of the site shall accompany these details for this building. In the case of the co-living block, details of the 'one-way directional manifestation applied to windows' shall accompany these details for this building. The buildings shall be constructed in accordance with the approved materials/drawings/details.

Reason: To ensure good quality design and local distinctiveness, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 130 of the NPPF (2021).

19. Nesting and Roosting Boxes

Prior to the construction of any buildings within an approved phase of the development (not including the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021).

20. External Lighting

No external lighting shall be installed on the site 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. Also taking into account section 5.3.2 of the submitted Ecological Appraisal & Phase 1 Bat Survey.

21. Highways 2

(Part A) Notwithstanding the details indicated on the approved drawings no on-site works above slab level shall commence until a Stage 1 Road Safety Audit and detailed scheme for the offsite highway improvement works, as shown on drawing number A11910 D 0003 Rev 5 ('Site plan Proposed'), have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. For the avoidance of doubt, any problems identified in the Stage 1 Road Safety Audit must be adequately rectified to a standard deemed acceptable by the Local Planning Authority in consultation with the Local Highway 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.

Pre-occupation

22. Highways 1

The development hereby permitted shall not be occupied until the vehicular access from Heavitree Road and vehicular egress onto Gladstone Road, as shown on drawing number A11910 D 0003 Rev 5 ('Site plan Proposed'), have been constructed and to a standard that ensures that surface water from the site will not flow onto the public highway. The vehicular access and egress points shall be maintained to this standard thereafter.

Reason: To provide safe and suitable access to the site in accordance with paragraphs 110 and 112 of the NPPF (2021), including preventing surface water or extraneous material from the site flowing onto the public highway.

23. Highways 3

The development hereby permitted shall not be occupied until a cycle link has been constructed between College Road and the vehicular access to the site from Heavitree Road, in accordance with detailed plans previously submitted to and approved in

writing by the Local Planning Authority, in consultation with the Local Highways Authority.

Reason: To provide safe and suitable access to the site for cyclists in accordance with paragraphs 110 and 112 of the NPPF (2021). Note: The detailed plans should be included in a section 278 agreement with Devon County Council as the Local Highway Authority for carrying out works to the public highway.

24. Highways 4

Prior to the occupation of the development hereby permitted, two co-bike cycle racks (with a minimum of 20 co-bike cycles) shall be installed on-site in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The co-bike cycle racks shall be maintained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and to promote sustainable transport in accordance with paragraphs 110 (a, c) and 112 (a, b, e) of the NPPF.

25. Highways 5

Prior to the occupation of the development hereby permitted, a car-club facility shall be installed on-site in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The car-club facility shall be maintained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and to promote sustainable transport in accordance with the Sustainable Transport SPD and paragraphs 110 (a,c) and 112 (b,e) of the NPPF.

26. Highways 8

Prior to the occupation of the development hereby permitted, a Car Parking Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The CPMP shall include the following details:

- On-site parking enforcement measures to prevent future occupier parking on the internal access road and on the landscaping.
- Operation of the proposed droppable bollard and how it will allow for deliveries / servicing / taxi / visitors / emergency vehicles.
- Entry and exit signage for the one-way access road.
- Procedures for the moving in and out days for future students and measures to reduce impact to the local highway and footway network.

The CPMT shall be implemented as approved.

Reason: To ensure the free-flow of the local highway and footway networks and to promote sustainable development and inclusiveness, in accordance with paragraphs 110 (c, d) and 112 (d) of the NPPF.

Pre-occupation – Phases

27. CCTV

Prior to the occupation of the development hereby permitted within any approved phase, a strategy for the distribution and management of CCTV on the site within the phase shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location and design of CCTV cameras, which should be integrated in an unobtrusive manner. The strategies shall be implemented as approved prior to occupation of development within the relevant phase and maintained thereafter.

Reason: In order to help prevent/detect crime, disorder and anti-social behaviour in accordance with the advice of the Police Designing Out Crime Officer and saved Policy DG7 of the Exeter Local Plan First Review.

28. Highways 6

Prior to the occupation of the development hereby permitted within any approved phase, the parking spaces within the phase shall be provided and shall incorporate an Electric Vehicle ready (active) domestic charging point, which shall thereafter be provided and permanently retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with paragraph 112 (e) of the NPPF.

29. LEMP

Prior to the first occupation or use of the buildings in any approved phase, a Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMPs shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- Details of the body or organisation responsible for implementation of the plan.
- On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMPs shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management of each phase shall be undertaken in accordance with the approved LEMP for that phase.

Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 130 and 180 of the NPPF.

30. Cycle Parking

The building(s) in any approved phase shall not be occupied until secure cycle parking for the residents of the building(s) in the phase has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The secure cycle parking shall be maintained at all times thereafter.

Reason: To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

31. Travel Plan

No part of the development in any approved phase 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, for the development in the approved phase. Thereafter the recommendations of the Travel Plans shall be implemented, monitored and reviewed in accordance with the approved documents, or any amended documents subsequently approved in writing by the Local Planning Authority.

Reason: To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

Post Occupancy

32. Waste and Recycling Bins

No waste or recycling bins or containers shall be stored outside the integral bin stores of the buildings hereby approved except upon the day(s) of collection.

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

33. Communal Spaces

The amenity areas of the buildings, as shown on the approved floor plans, shall be used for communal amenity use only and shall not be sub-divided in any way to create additional studios/bedspaces.

Reason: To ensure sufficient communal amenity space is available for the residents of the buildings in the interests of residential amenity.

34. Access Control Measures

Access control measures shall be implemented for all access points to the buildings to prevent access by non-residents or staff.

Reason: In the interests of crime prevention in accordance with saved Policy DG7 of the Exeter Local Plan First Review and paragraph 130f of the NPPF, taking into account the recommendations of the Police Designing Out Crime Officer.

B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 20 AUGUST 2023 OR SUCH EXTENDED TIME AS AGREED BY THE DIRECTOR OF CITY DEVELOPMENT

- 20% of the co-living units (i.e. 63) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers.
- Habitats Mitigation = £326,097.45 (in relation to the co-living development only)
- NHS Devon ICB contribution = £244,480 (£163,840 for PBSA and £80,640 for co-living)
- Public open space contribution = £436,435 (£292,480 for PBSA and £143,955 for co-living)
- Play (outdoor adult fitness equipment) contribution = £111,735 (£74,880 for PBSA and £36,855 for co-living)
- Student Management Plan for PBSA block
- Co-living Management Plan/Monitoring for Co-living block

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP7, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4, LS2, LS3 and DG4, Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

Item 5: Planning Application No 21/1940/OUT – Land Adjacent to Newcourt Road, Topsham.

The following conditions were drafted and sent to the applicant on 16 February 2023. To date no comments have been received.

1. Reserved Matters

Details of the layout, scale, appearance and landscaping (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.

2. 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 this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.

3. Approved Plans

The development hereby permitted shall be carried out on the land outlined in red on drawing number 1671/P100 ('Site Location Plan for Illustrative Purposes only') and shall not be carried out otherwise than in accordance with the plans listed below, unless modified by the other conditions of this consent:

- Proposed shared use site access (205226/PD01 D)

Reason: To ensure compliance with the approved drawings.

4. Surface Water Management

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with Devon County Council groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
- b) A detailed drainage design based upon the approved Flood Risk Assessment & Drainage Strategy Report Ref 19040 - B dated May 2022 and the results of the information submitted in relation to (a) above
- c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- e) A plan indicating how exceedance flows will be safely managed at the site.
- f) Evidence there is agreement in principle from South West Water.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Pre-commencement Details

5. Archaeology

No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for

completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

6. Arboricultural Method Statement and Tree Protection Plan

No development (including ground works) or vegetation clearance works shall take place until an Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. This information shall be prepared in accordance with BS 5837:2012 ('Trees in relation to design, demolition and construction'), or any superseding British Standard, and include details of tree/hedgerow protection fencing, which must be erected prior to the commencement of the development and retained until the completion of the development. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Arboricultural Method Statement and Tree Protection Plan shall be adhered to throughout the construction of the development.

Reason: To protect the trees and hedgerows on and adjacent to the site to be retained in the interests of the amenities of the area and biodiversity, in accordance with saved 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.

7. Updated Ecological Surveys

No development (including ground works) or vegetation clearance works shall take place until an Ecology Report has been submitted to and approved in writing by the Local Planning Authority. The report shall include the results of an updated Extended Phase 1 Habitat Survey and any protected species surveys that are recommended to be undertaken following this, and recommendations for avoiding/mitigating any impacts on protected species. It shall also include the results of a bat survey of the two sheds in the south corner of the site adjacent to Newcourt Road and recommendations for avoiding/mitigating impacts should bats be found. The avoidance/mitigation measures shall be implemented in full.

Reason: To ensure there will be no harm to protected species based on up-to-date survey information given the application is in outline and there is likely to be a delay between granting permission and the start of development. This information is required pre-commencement as specified to ensure that construction activities will not harm protected species.

8. Construction and Environmental Management Plan (CEMP)

No development (including ground works) or vegetation clearance works shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with clause 10 of BS 42020:2013 ('Biodiversity – Code of

practice for planning and development'), or any superseding British Standard, and include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Mitigation Method Statements, in accordance with the recommendations of the approved Ecology Report under condition 7.
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- e) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- f) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted Ecological Impact Assessment. A CEMP is required before any development begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

9. Construction Method Statement

Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

Highways

- Timetable of Works
- Any road closure
- Hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays and no such vehicular movements on Sundays or Bank/Public Holidays.
- The number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits.
- The compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases.
- Areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority.
- Hours during which no construction traffic will be present at the site.

- The means of enclosure of the site during construction works.
- Details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site.
- Details of wheel washing facilities and obligations.
- The proposed route of all construction traffic exceeding 7.5 tonnes.
- Details of the amount and location of construction worker parking.
- Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Environmental Health

- Measures to monitor and control the emission of dust and dirt during construction.
- No burning on site during construction or site preparation works.
- Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- No driven piling, unless prior written agreement has been given by the Local Planning Authority.
- Construction working hours between 08:00 and 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays and at no time on Sundays or Bank/Public Holidays only.

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.

10. 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 building operations are carried out in a sustainable manner.

11. Acoustic Design Statement

Prior to the commencement of the development hereby permitted, an Acoustic Design Statement shall be submitted to and approved in writing by the Local Planning Authority, including an assessment of overheating conditions. Any mitigation measures

required for any of the dwellings shall be fully implemented prior to the occupation of the dwellings concerned and maintained thereafter.

Reason: To ensure sustainable acoustic and thermal comfort for the occupiers of the dwellings. This information is required pre-commencement as specified to ensure that any mitigation measures necessary are accounted for in the detailed design and construction of the development.

(Advice: The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement. The ANC/IoA guidance 'Acoustics Ventilation and Overheating: Residential Design Guide' provides methods by which the overheating assessment can be conducted.)

During Construction

12. Unexpected Contamination

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: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

Pre-specific Works

13. Bird Nesting 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 nesting 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 previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If nesting birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

Reason: To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraphs 179 and 180 of the NPPF (2021).

14. Energy Performance Standard

Prior to the construction of the foundations of any dwelling hereby permitted, the Design SAP calculation(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwelling(s) will achieve a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations, or if the dwellings are constructed to the 2022 Building Regulations that a reduction in CO2 emissions at the levels (or higher) set out in Part L of the 2022 Building Regulations will be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented. No dwelling shall be occupied until the As-Built SAP calculation of the dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that the CO2 reduction has been achieved.

Reason: To ensure the dwelling(s) will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development. (Advice: Please see Paragraph: 012 ID: 6-012-20190315 of the National Planning Practice Guidance on Climate Change for background information.)

15. Biodiversity Enhancement

Prior to the construction of any dwelling hereby permitted (except the foundations), a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority, taking into account the recommendations of the submitted Extended Phase 1 Habitat Survey & Preliminary Ecological Appraisal (November 2021). The biodiversity enhancement measures in the approved BEP shall be fully implemented as part of the development and retained at all times thereafter.

Reason: To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021).

16. Nesting and Roosting Boxes

Prior to the construction of any dwelling hereby permitted (except the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the dwellings shall be submitted to and approved in writing by the Local Planning Authority (with a minimum overall average ratio of 1 built-in nest/roost site per dwelling – provision can be more concentrated on dwellings in more suitable locations). The approved details shall be fully implemented as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021).

17. External Lighting

No external lighting shall be installed on the site 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.

Pre-occupation

18. Highways 2

Prior to the occupation of any dwelling hereby approved, provision shall be made within the site for the disposal of surface water so that none drains onto the County Highway, in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of public safety and to prevent damage to the highway.

19. Highways 3

Prior to the occupation of any dwelling hereby approved, the access, visibility splays and access drainage shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority and shall be maintained as approved thereafter.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

20. 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 saved Policy T3 of the Exeter Local Plan First Review and the Supplementary Planning Document (March 2013).

21. Travel Pack

Prior to the first occupation of any dwelling hereby permitted, a travel pack shall be provided informing the residents of walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate, the form and content of which have previously been 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.

22. Cycle Parking

No dwelling shall be occupied until cycle parking has been provided for the dwelling in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The parking shall accord with the minimum parking standards for residents in Table 2 of the Sustainable Transport SPD and be designed in accordance with the guidance contained therein. The cycle parking shall be maintained at all times thereafter.

Reason: To encourage cycling as a sustainable mode of transport in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport Supplementary Planning Document (March 2013).

23. Car Parking

No dwelling shall be occupied until the car parking for the dwelling and access thereto has been provided and made available for use. The car parking provided shall be in accordance with the details set out in the Residential Design Guide SPD (including number of spaces, access and size) and shall be maintained at all times thereafter and kept permanently available for the purpose of car parking.

Reason: To ensure that adequate car parking is provided and maintained for the dwellings, in the interests of highway safety and to protect the amenities of the neighbourhood.

24. Charging Points

Prior to occupation of any dwelling hereby approved a rapid charge Electric Vehicle charging point shall be provided for the dwelling at a level of 1 space per dwelling with off-street parking and 1 per 10 spaces for unallocated parking. The charging points shall be maintained at all times thereafter.

Reason: To mitigate environmental impacts from traffic emissions in accordance with Policy CP11 of the Core Strategy, taking into account good practice guidance in Land-Use Planning & Development Control: Planning for Air Quality (IAQM, January 2017) and paragraph 112e) of the NPPF (2021).

Item 6: Planning Application No 21/1710/FUL – Exwick Changing Rooms, Western Road.

No additional information.

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