

## **PLANNING COMMITTEE**

Monday 20 February 2023

### **Present:-**

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

### **Also Present**

Director of City Development, Service Lead City Development, Assistant Service Lead - Development Management (Major Projects), Planning Solicitor, Principal Highway Development Management Officer and Democratic Services Officer (HB)

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### **DECLARATIONS OF INTEREST**

Councillor D. Moore declared a disclosable pecuniary interest in Minute No. 10.

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### **PLANNING APPLICATION NO. 21/1564/OUT - FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, EXETER**

Councillor D. Moore declared a disclosable pecuniary interest and left the meeting during consideration of this item.

The Assistant Service Lead – Development Management (Major Projects) presented the outline planning application with all matters considered in detail except landscaping, for the demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (PBSA) (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure. (Revised plans received)

The proposal involved the demolition of all existing buildings comprising the former Heavitree Road Police Station and Magistrates Court, clearance of the site and re-development to provide a mixed Co-Living and PBSA scheme in two separate building blocks with associated access, parking and infrastructure. The former would comprise 315 studio apartments and the latter 640 rooms including a mixture of studio rooms and cluster flats.

The Assistant Service Lead - Development Management (Major Projects) reported that, at the Planning Committee held on 10 October 2022, Members had resolved to defer a decision on the application in order to allow the applicant to revise the proposals to address the issues that had been raised by Members and the technical reasons for refusal that had been drafted. This was subject to an extension of time being agreed, taking the revisions to a Design Review Panel and carrying out public consultation on the revisions. Accordingly, revised plans and supporting documents had been submitted on 6 January 2023 following a review by the Design Review Panel on 22 November 2022. Public consultation on the revisions had been carried out between 12 January and 5 February 2023. Statutory and non-statutory consultees had also been re-consulted on the amended plans.

The Assistant Service Lead - Development Management (Major Projects) reported the following summary of the changes made since the previous reports:-

- the number of rooms in the PBSA building reduced from 677 to 640;
- the number of rooms in Co-Living building reduced from 358 to 315;
- the sixth floor of the Co-Living building removed;
- part of the fifth floor of PBSA building removed to the west;
- the floor to ceiling heights reduced in both buildings to reduce overall height;
- both buildings setback further away from Heavitree Road;
- privacy film applied to Co-Living ground/first floor windows facing Higher Summerlands;
- the central wing of the PBSA building removed creating one, larger courtyard instead of two;
- the Co-Living courtyard elevated from lower ground to ground floor improving daylight;
- the amount of external landscaped space increased from 5,600 square metres to 7,200 square metres;
- the amount of communal amenity space in Co-Living block increased from 2.5 square metres per room to five square metres per room, which accords with the Greater London Authority's draft guidance on Large-Scale Purpose-Built Shared Living (January 2022); and
- five existing trees along Heavitree Road retained: T10 (11m Silver Birch), T14 (7.5m Hawthorn), T16 (15m Silver Birch), T17 (16m Beech) and T20 (14m Silver Birch).

The Assistant Service Lead - Development Management (Major Projects) provided further detail of the revised proposal through floor plans, elevations and illustrative images from different viewpoints from Heavitree Road and St. Lukes Campus which also showed reductions in height and massing.

The Assistant Service Lead - Development Management (Major Projects) in conclusion advised that the revised proposal was a high quality design that had responded appropriately to the issues raised by Members and therefore planning permission was recommended, subject to the completion of a s106 legal agreement to secure obligations and conditions as set out in the Update Sheet.

The Assistant Service Lead - Development Management (Major Projects), in response to Members' queries, advised that:-

- a zone for a bus lane had been discussed during the earlier iterations of the scheme but dropped from subsequent schemes. However, there was space for it to be provided and should a scheme be proposed it would need to be considered by this Committee because of the potential impact on landscaping;
- the courtyard had been moved from the lower ground floor to the ground floor with associated changes in the available light for the rooms;
- apart from the five trees referred to in the report, all other trees would be removed, although the developer had indicated that additional trees would be provided which would be brought forward as part of reserved matters;
- it was estimated that the footprint was greater than the buildings currently on the site which were low density in terms of space and of a poor urban design;
- the Co-Living development would be brought forward on the same principle as the two other Co-Living developments in the city and would include prioritisation for essential local workers including health, education and retail for the affordable units; and

- the relationship of the Co-Living building to the existing houses in Higher Summerlands was considered acceptable, as it is a front-to-front relationship and the 25 degree rule for right to light was complied with.

Responding to Members' queries, the Director City Development advised that:-

- the site was initially within the Eastgate Liveable Exeter site but had been superseded by the City Point development;
- there was a stipulation that 20% of the Co-Living units would be below market level; and
- Co-Living accommodation provided homes for people to live in and PBSA units provided temporary accommodation for students.

The Director City Development provided the following concluding points in support of the recommendation which was for approval, subject to a Section 106 Legal Agreement and the conditions as set out in the report and details within the update sheet:-

- additional time had been granted to address issues with consideration by the Design Review Panel on four occasions and discussions with officers resulting in significant changes to the articulation and sense of scale;
- Exeter was a prosperous city, but was in need of more housing which would also help support its growing economy. The units were targeted at students and young professionals and were designed by top UK based architects with a strong international track record with good practice followed;
- a landscaping scheme would be considered at Reserved Matters which would soften the appearance of the building with additional trees provided;
- it optimises a brownfield site in a strategic and highly sustainable location opposite St. Lukes Campus, five minutes from the city centre and on a major bus route;
- it would significantly improve the appearance of a major gateway into the city which was presently an eyesore; and
- the Civic Society had withdrawn its objections.

Councillor Vizard, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- what is still proposed are two monolithic blocks, monotonous in design, out of all proportion in scale and massing, with little outside amenity for residents, a high impact on the amenity of the area that would cause harm to the character of this part of the city;
- there have been few adjustments since the earlier scheme and the provision of outside amenity space, especially for the public, remains poor, the setting back from Heavitree Road is minimal and does little to address the issue of scale, visual amenity and harm to the character of the area. This application still proposes nearly 1,000 units which would bring huge additional burden to the area's public amenities;
- it does not fit the Liveable Exeter vision which is about a bold and imaginative high quality, sustainable development in a garden city environment, and homes for the broader population. It would however make an ideal Liveable Exeter site;
- the provision of more affordable homes in Exeter should not be at the expense of suitable scale and design, or to the detriment of an area;
- this part of Newtown and St Leonards is a residential area and not a city centre site designated in the current Local Plan. While suitable for a sensitive residential development, it is not appropriate for a high-density development;

- it casts a shadow over neighbours in Higher Summerlands and St. Matthews Close and clashes uncomfortably with the St. Luke's campus site and surrounding conservation areas;
- the loss of trees remains a serious concern to residents and to the Council's Tree Manager who sustains his objection;
- the Design Review Panel had queried why *"After a long design development phase of two years, the alignment of the two blocks remained unclear with the break between the two buildings and its alignment with onward connections unresolved. Also queried were: "the levels of daylight that would be afforded to the courtyards as this would affect the amenity experience"*;
- the application contradicts guidance in the Local Plan Policy H5, and the Core Strategy around appropriate scale, massing, character, skyline and overdevelopment of particular types of accommodation;
- the Council's Heritage Officer has maintained his view that this would harm the setting of the locally listed St Lukes Chapel building;
- it fails to meet the guidance of the National Planning Policy Framework requiring developments to add to the overall quality of the area, be visually attractive as a result of good architecture and effective landscaping, is sympathetic to the local character and history, maintains a strong sense of place, using the arrangement of streets, spaces, building types and materials and optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development;
- the development is still too dominant and harmful;
- there have been 118 public objections in total; and
- this site is too prominent, too crucial to get wrong and lumber the ward with a beast of a development.

Mr Kitchin, speaking against the application, raised the following points:-

- it is a dysfunctional and unhealthy development and should be finally refused on the basis that it contravenes four keystone elements within Council planning documents on 15 occasions;
- it also contradicts the principles of the new Exeter Local Plan, the future vision for the city, on 23 occasions;
- regarding massing, there has only been one metre drop in total height, floor space has marginally increased and the building is now eight stories high in places;
- it will not function as affordable living as The Gorge next door, a Co-Living development will cost £950 per person, beyond a nurse's salary and affordable only to the likes of high income foreign students. It will not address Exeter's housing crisis;
- liveable space is not provided on site. The student courtyard will never receive an hour of sunlight during term time and the green space on the site is more than halved;
- there will be a loss of the Heavitree Road facing embankment feature, and hence likely with it, the loss of all trees on site. The important Higher Summerlands green space with the existing mature tree barrier is lost. The new Co-Living development will now be pressed up against these residents and will have no effective green barrier for the first 20 years of growing, then after that no cover for five months of the year;
- there is now a mental health policy for the site. It is a mockery, telling people to do more exercise or try voluntary work. There is nothing about the loss of wellbeing in the surrounding community. The development will force a whole swathe of society to go against the basic principles of healthy living;

- the development is city centre creep, sandwiched between two residential conservation areas and destroying the attractive nature of a key historic and civic gateway; and
- the Council Leader quotes in the new Exeter Local Plan, “We will ensure quality of life and well-being are at the heart of all decisions it’s about living better in Exeter.”

Responding to a Member’s query, he believed that the rental for the adjoining Gorge development was not affordable to many, including nurses.

Mr Howells, speaking in support of the application, raised the following points:-

- representing Student Roost, the joint applicants with Devon and Cornwall Police and Nixon Property;
- at the Planning Committee meeting on 10 October 2022 the principle of the development was accepted; and the erection of a mixed Co-Living and PBSA scheme was considered acceptable. The proposal had been revisited in respect of height, massing, design, siting, landscaping, amenity impacts on surrounding properties, internal and external amenity and tree loss with further discussions with officers and consultees and revised proposals had been considered by Design West at a Design Review Panel meeting held on 23 November 2022. There is now a general endorsement from the Design Review Panel;
- the footprint of the buildings have been set-back even further from Heavitree Road to 14.5 metres, increasing distance to St. Luke’s College to 48 metres;
- the storey heights have also been reduced by up to one metre. The Co-Living building has been reduced by one storey with the top floor omitted and the PBSA building has been reduced by one storey across 40% of its west frontage, reducing scale and creating a greater step in line with the topography of Heavitree Road;
- concerns about impact on the amenity of adjacent properties have been addressed. This is also supported by an assessment of daylight and sunlight provision which confirms that the properties on Higher Summerlands will not be adversely effected by the proposals;
- the amendments made to the setting and scale of the proposals improve daylight in the communal courtyards. Moreover, the communal courtyard in the Co-Living building had been elevated to the ground floor which, combined with the omission of the top-storey, will reduce the sense of enclosure;
- the communal courtyard in the PBSA building has also been redesigned as a single large courtyard increasing this external amenity area by 77 square metres to 1.2 metres per room;
- the buildings being set-back along Heavitree Road also increases the on-site open external landscaped area from 5,600 square metres to 7,200 square metres;
- a significant change is the increase in all room sizes in the Co-Living element of the proposals. These rooms now meet the available standards and are consistent with the other Co-Living schemes granted approval in Exeter;
- the internal communal amenity space for the Co-Living building has doubled from 2.5 square metres per room to five square metres per room, which meets available standards and exceeds the existing Co-Living schemes in Exeter;
- as the buildings have been set back, more trees along the Heavitree Road frontage are now being retained. In addition, a generous re-planting strategy of around 84 new trees is indicated. This change will also increase the open landscaped area to the front of the site, in turn enhancing the amenity and biodiversity value of the site; and

- significant changes have been made to the scheme which directly addresses the concerns. The proposals will bring back into beneficial use a key gateway site, meeting an identified need for student and residential uses at a sustainable location. The changes made to the scheme mean that the proposals offer the highest quality scheme of its kind in the city.

He responded as follows to Members' queries:-

- there will be varying degrees of available sunlight to the units as well as the courtyards, although these will also benefit from shading;
- Co-Living has proved very popular in other cities particularly for graduates and young professionals where there is a real demand for this type of property and they are let very quickly. 20% of Co-Living will be at affordable levels;
- there will be no summer time occupation of the PBSA units; and
- although not aimed at students, the Co-Living blocks could accommodate students.

Members expressed the following views:-

- there are responsibilities to neighbouring residents and, with 118 objections, there is still a significant impact on surrounding buildings. There is a significant loss of trees and the speakers opposing the application have been very compelling;
- there is poor sunlight provision for many of the units including those along the corridor settings with a likely associated impact on mental health. There is poor amenity space for both blocks and there are too many people in too small a space;
- it was a poor application at the outset and little has changed and it will remain unaffordable to many on lower wages as well as students themselves. The reduction in height does not go far enough;
- there is a pressing need for housing amongst a cross section of society in Exeter and, by providing accommodation for both students and young professionals, will free up badly needed houses for others, especially families elsewhere in the city. The application should be supported as additional family homes are needed, and students also need to be housed, so housing, in whatever format, should be welcome;
- it is a city centre site and will be developed and, whilst the design might not be acceptable to all, the provision of much need housing should be the paramount consideration. There will be many who will be attracted by this type of accommodation being preferable to flats or bedsits in poor conditions. Market conditions will ensure that rents will settle at levels that are affordable should some of the units prove difficult to rent; and
- do not support the application as the proposal is overbearing, not in keeping with the area and with inappropriate scale, massing and mix of design.

The Chair moved the recommendation for approval which was voted upon and lost and the application was deemed refused.

The Chair left the meeting at this point and, during her absence, the meeting was chaired by the Deputy Chair, Councillor Sutton and each of the six reasons for refusal below were voted upon and carried.

**RESOLVED** that outline planning permission with all matters considered in detail except landscaping, for the demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure. (Revised plans

received), be **REFUSED** for the following reasons, each of which were voted upon separately and carried:-

1. The proposed development would harm the character of the area, including the streetscenes along Heavitree Road and Gladstone Road, and the setting of the locally listed St Luke's College buildings, by virtue of the heights and massing of the two buildings, which would be of a far greater scale than the majority of buildings in the area, and their siting in close proximity to the streets making them feel even more imposing on their surroundings. The proposed development is therefore contrary to Policy CP17 of the Core Strategy, which requires all proposals for development to complement or enhance Exeter's character and local identity, saved Policies H5 and DG1 of the Exeter Local Plan First Review 1995-2011, and paragraphs 130 and 197c) of the NPPF (2021).
2. The proposed development would harm the amenity, privacy and outlook of the adjacent residential properties, particularly in Higher Summerlands, due to the height, scale and massing of the proposed buildings on the site and their siting in close proximity to the properties taking into account their designs. The proposed development is therefore contrary to saved Policies H5(a) and DG4(b) of the Exeter Local Plan First Review 1995-2011, and paragraph 130f) of the NPPF (2021).
3. The proposed development would have a limited amount of external amenity space for use by the high number of residents of the two buildings and the external amenity space proposed in the form of the internal courtyards would be poor quality with a sense of feeling enclosed and with reduced levels of daylight due to the scale of the surrounding buildings. It is also considered that the proposed development would provide a poor living environment for residents that would have a negative impact on their health and well-being. The proposed development is therefore contrary to saved Policy DG4(b) of the Exeter Local Plan First Review 1995-2011 and paragraph 130e) and f) of the NPPF (2021).
4. Notwithstanding the applicant's agreement to pay £436,435 for the maintenance and upgrade of off-site public open spaces serving the development (to be spent on upgrades to Exeter City Council parks) and £111,735 for the maintenance and upgrade of off-site play areas serving the development (to be spent on the installation of outdoor adult fitness equipment) in accordance with the consultation response from the Public and Green Spaces team of Exeter City Council to mitigate the impact of additional demand on off-site Exeter City Council public spaces, the proposed development would have a negative impact on public spaces in the locality of the site, in particular Belmont Park approximately 400 metres north of the site, due to the additional use and demand of these spaces by residents of the proposed development and limited amount of on-site external amenity space provision. The proposed development is therefore contrary to Policy CP10 of the Core Strategy, which protects facilities that meet Exeter's community, social, health, leisure and recreational needs, and saved Policy DG4(a) of the Exeter Local Plan First Review 1995-2011 stating that residential development should be at the maximum feasible density taking into account site constraints and impact on the local area.
5. The proposed development would result in the loss of a significant number of trees on the site including several category A and B trees which contribute to the amenity of the locality and biodiversity of the site. Without a detailed

landscaping scheme as part of the application, there is a lack of certainty that the loss of these trees will be adequately and appropriately compensated for to maintain or enhance the amenity and biodiversity value of the site. The indicative information submitted with the application in this regard does not demonstrate that this can be satisfactorily achieved. Therefore the proposed development is contrary to Policy CP17 of the Core Strategy, saved Policies H5(a), LS4 and DG1(c)(h) of the Exeter Local Plan First Review 1995-2011, and paragraphs 130 and 131 of the NPPF (2021).

6. In the absence of a s106 legal agreement 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 = £244,480.00 (£163,840 for PBSA and £80,640 for co-living);
- Public open space contribution = £436,435.00 (£292,480 for PBSA and £143,955 for co-living);
- Play (outdoor adult fitness equipment) contribution = £111,735.00 (£74,880 for PBSA and £36,855 for co-living);
- Student Management Plan for PBSA block; and
- 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.

The meeting adjourned at 19:10, the Chair re-joining  
and the meeting resuming at 19:21

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**PLANNING APPLICATION NO. 21/1940/OUT - LAND ADJACENT TO  
NEWCOURT ROAD, TOPSHAM, EXETER**

The Assistant Service Lead – Development Management (Major Projects) presented the outline planning application for demolition of existing structures and construction of up to 30 no. residential units and associated infrastructure (Means of access to be determined with scale, layout, appearance and landscaping reserved for future consideration).

The report also set out the following key elements:-

- principle of development;
- access and impact on local highways;
- affordable housing;
- noise;
- archaeology;
- impact on air quality;
- contaminated land;



- impact on trees and biodiversity;
- flood risk and surface water management;
- sustainable construction and energy conservation;
- CIL/Section 106; and
- Development Plan, material considerations and presumption in favour of sustainable development.

The Assistant Service Lead – Development Management (Major Projects) described the location of the site through photos, aerial views and an illustrative site layout plan, the photos showing in particular the views of Newcourt Road, the location of existing and proposed footpaths and current parking provided and views into the site from the existing access. In setting out the historical planning context, he provided the following additional detail:-

- the proposal was to develop the site for up to 30 dwellings, 35% of which will be affordable housing, and associated infrastructure. The application has been submitted in outline with all matters reserved except access. Vehicular access would be provided from Newcourt Road towards the south of the site, with adjoining two metres wide footways;
- recently granted permissions had been for 16, 27 and 7 dwellings respectively with a further dwelling granted for the larger of these sites and a single dwelling granted further south along Newcourt Road, the majority having been implemented;
- Newcourt Road was a no through road with vehicular access from Denver Road, 680 metres southeast of the site. The road had no footways adjacent to the site or to the south for approximately 170 metres;
- an existing pedestrian, cycle link linking Newcourt Road southwards to Topsham Road;
- the site was proposed to be allocated for housing together with the adjacent field to the southeast in the new Exeter Plan; and
- as an outline application, the developer will be required to submit further proposals to the Exeter Design Quality Partnership (EDQP) before submitting reserved matters details for formal approval.

The Assistant Service Lead - Development Management (Major Projects) referred to two late objections, both of which objected to the application because of the impact on the safety and functionality of Newcourt Road and because, in their view, the Traffic Assessment provided by the applicant misleadingly referred to the 2018 traffic survey which was taken before a number of housing developments along Newcourt Road were approved and developed. The Assistant Service Lead - Development Management (Major Projects) advised that the applicant's traffic assessment was acceptable to the County Council's Highways Officer.

The following responses were given to Members' queries:-

- standard consultations had been undertaken with South West Water who had not objected and had not raised concerns with the issue of foul sewage;
- a footpath would be constructed in front of the development of 16 properties and would connect to the adjoining footpath leading to Topsham Road;
- the Highways Officer had not objected to the application and, because there was not a high level of traffic on Newcourt Road compared with other roads, the absence of a footpath on some sections was not considered to impact adversely on safety. The cumulative impact of developments had also been taken into account;
- the intention was to provide a play park for the wider area;

- the cars shown on Newcourt Road in front of the site for seven dwellings most likely related to construction work being undertaken; and
- whilst it was possible to seek from the developer additional improvements to Newcourt Road, this could not be imposed on a third party such as Devon County Council.

Mr Fitzpatrick, speaking against the application, raised the following points:-

- Newcourt Road is a narrow single-track country-style lane with extremely restricted blind corners and no footways on the majority of it, with a single entry/exit on to Denver Road and is much used by school children cycling to school, by cycling commuters and by walkers across Newcourt and Exeter;
- the road is already dangerous and clogged at peak times. Children on scooters and in prams share the same few metres of tarmac with cars and vans and heavy goods vehicles and traffic is gridlocked. Garden walls are hit repeatedly. Housing in Newcourt Road has increased by more than 50% in the last three years with more planned;
- the projected traffic numbers from the developers are unrealistic - eight movements in each peak out of 76 new cars, that is, only four in and four out at the busiest hour of the day. More problematic, is the base total of existing traffic. This eight is added to data of a handful of intermittent hours on a damp day in 2018, crucially before all the new developments were built. Two sample surveys show a much more substantial base load of vehicles using the road. The totals are well beyond the County Council Highways' projections which is data that cannot be relied on;
- the application should be deferred and more evidence obtained. It would be irresponsible and negligent to proceed with the outdated developer evidence; and
- development would destroy one of the last pieces of visual amenity, make the road unsafe, go against City Council strategy, crush sustainable travel, rip out ecology, ruin the character of the area, and pile more pressure on roads, schools, doctors on top of the significant wave to come. If refused or deferred a clearer picture on housing targets will have emerged.

He responded as follows to Members' queries:-

- the concerns regarding safety relate to the zero visibility along a number of stretches, many existing houses open out directly onto Newcourt Road and pedestrians, including those with prams and young children, are pushed back by the force of the traffic;
- the evidence provided by the applicant is unreliable as it references the 2018 traffic survey and there has therefore been no extrapolation of the cumulative impact of additional housing since that time;
- there is no speed watching group for the road and, although the speed limit is not enforced, the reality is that, because of the nature of the road, speeds rarely exceed 20mph;
- whilst traffic calming measures can restrict speed, road humps might lead to cars veering closer to the margins of the road, thereby increasing hazards for the public; and
- the nearest play areas are those near the railway station and on the Topsham Recreation Ground.

Mr Lovell, speaking in support of the application, raised the following points:-

- the City Council has a clear aim to make Exeter a Net Zero Carbon City and has adopted progressive policies to achieve that aim. The homes proposed in this application support that goal and will be built as Zero Carbon Homes. These will be amongst the greenest homes built anywhere around Exeter;
- Heritage Homes are a local housebuilding company with a track record for delivering high quality sustainable homes and a steady supply of building land is needed in and around the City, with planning permission available in a timely manner, in order to provide employment for more than 200 local people. Approval of this application will assist greatly to secure their continued employment.
- with regard to highways, a very last minute objection has been submitted with unsubstantiated and misleading figures purporting to show traffic movements in Newcourt Road;
- the information submitted has not been produced by a qualified traffic consultant and do not add up correctly. The information submitted has counted pedestrian and cyclists as vehicle movements which is incorrect;
- the report sets out reasons why the application should not be refused on Highways grounds. There is good visibility along Newcourt Road and, even after this development is built, the vehicle usage of the road will stay within both National and Devon County Highways standards for a Shared Surface Access Road.
- Devon County Highways have confirmed categorically that they have no highways safety issues with this application. Nevertheless, in response to a request from the Planning Officer, a pavement had been added around the access to the site and along the entire frontage, inside of the retained hedge, in order to future-proof Newcourt Road for any further future development.

He responded as follows to Members' queries:-

- because of a dip in the Newcourt Road levels some of the developments were not directly connected to the foul sewage network and therefore foul sewerage was pumped to this network;
- negotiations had been undertaken with adjacent land owners regarding foul sewerage provision and future foul drainage would be provided for other developers to connect; and
- play facilities could also be provided within the development as part of the undertaking to provide play facilities in the wider area, recognising that these would be brought forward within reserved matters.

The Principal Highway Development Management Officer responded as follows to Members' queries:-

- there had been no accidents in the last five years, the period within which the Highways Team assessed road networks, although minor scrapes and bumps may occur but are not recorded;
- with pavements to the front of recent developments, only small sections of the road do not have a pavement. Newcourt Road is designated a shared surface access road including pedestrians and cyclists;
- the vehicle movements along the road are less than half national planning policy guidelines and, accordingly there were no highway safety issues and no requirement for traffic calming measures;
- account has been taken of the cumulative impact of successive housing developments; and

- the Highways team look at am and pm figures and the figures provided within the applicant's traffic assessment are acceptable and also take account of future assessments.

Members expressed the following views:-

- welcome the commitment to Net Zero provision;
- Devon County Council should be requested to provide a traffic management scheme;
- it is surprising that the Highways Authority have not introduced a traffic management plan in light of the cumulative housing developments and this issue can be raised at the Exeter Highways and Traffic Orders Committee; and
- welcome the provision of affordable housing and the commitment to provide a pavement and it is hoped that other developments will similarly ensure pavement provision.

The recommendation was for approval, subject to a Section 106 Legal Agreement and the conditions as set out in the update sheet with an informative to be added advising that the applicant would be expected to make arrangements to provide future foul drainage to facilitate connection to other developments. A Member asked that Devon County Council be requested to review road safety urgently in light of the developments and to come up with a long term solution. The Chair advised that the matter was also to be taken up by the Devon County Council Member of the Exeter Highways and Traffic Orders Committee.

The recommendation was moved and seconded voted upon and carried.

**RESOLVED** A that, subject to a Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) to secure the following:-

- 35% affordable housing (at least 70% social rent, 25% First Homes and any remainder as intermediate) plus a financial contribution for any fraction of a dwelling should the percentage of affordable housing not equate to a whole number – this will be calculated at reserved matters stage;
- £511 per dwelling towards construction and maintenance of new play provision in locality;
- £607 per dwelling for additional healthcare services provided by Royal Devon University Healthcare NHS Foundation Trust;
- £584 per dwelling to provide additional capacity at local healthcare facilities in accordance with the comments by NHS Devon Clinical Commissioning Group CCG; and
- £1,359.51 per affordable dwelling to mitigate the impact of the development on the Exe Estuary Special Protection Area (SPA) and the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and SPA.

All Section 106 contributions to be index linked from the date of the decision.

the Director City Development be authorised to GRANT outline planning permission for demolition of existing structures and construction of up to 30 no. residential units and associated infrastructure (Means of access to be determined with scale, layout, appearance and landscaping reserved for future consideration) and, subject also to the following conditions:

### 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).

Further **RESOLVED** that B the Director City Development be authorised to **REFUSE** planning permission for the reasons set out below if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 20 August 2023 or such extended time as agreed in writing by the Director City Development.

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:-

- 35% affordable housing (at least 70% social rent, 25% First Homes and any remainder as intermediate) plus a financial contribution for any fraction of a dwelling should the percentage of affordable housing not equate to a whole number – this will be calculated at reserved matters stage;
- £511 per dwelling towards construction and maintenance of new play provision in locality;
- £607 per dwelling for additional healthcare services provided by Royal Devon University Healthcare NHS Foundation Trust;
- £584 per dwelling to provide additional capacity at local healthcare facilities in accordance with the comments by NHS Devon Clinical Commissioning Group CCG; and
- £1,359.51 per affordable dwelling to mitigate the impact of the development on the Exe Estuary SPA and the East Devon Pebblebed Heaths SAC and SPA

the proposal is contrary to Exeter Core Strategy 2012 policies CP7, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policy L4, and Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

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#### **PLANNING APPLICATION NO 21/1710/FUL - EXWICK CHANGING ROOMS, WESTERN ROAD, EXETER**

The Service Lead, City Development, presented the planning application for demolishing an existing building to provide a new Sports Pavilion and All-Weather 3G Pitch.

The Service Lead City Development described the location of the site through the site location plan, an aerial view and photos, floor plans and elevations, explaining that site was located west of Exeter city centre and the River Exe on land owned by the City Council, which was leased to Exeter College. The application site and wider

landholding were bisected by the main railway line that runs through Exeter, with a pedestrian underpass providing access via a public footpath.

The report also set out the following key elements:-

- the principle of development;
- community facility and sports pitch provision;
- green infrastructure and valley parks;
- landscape and ecology;
- pedestrian and cyclist accessibility;
- flood risk and drainage;
- noise; and
- sustainability.

The Service Lead City Development provided the following additional detail:-

- the application proposed the demolition of the existing Exwick Changing Room building and the erection of a new Sports Pavilion, together with the surfacing of an existing rugby pitch to provide an 'all-weather' 3G Pitch;
- the contemporary pavilion building would offer replacement changing facilities, a classroom, a sports laboratory and a gym;
- the previously proposed pavilion had been located on the top and directly in front of the Exeter Flood Defence Scheme. The proposed building was now to be offset from the Exeter Flood Defence Scheme embankment, and
- the location of the proposed all-weather, floodlit 3G rugby pitch has been moved northwards. Instead of proposing development on existing playing fields, the application proposed to install a 3G rugby pitch on an existing rugby pitch at Flowerpots Fields, allowing the existing playing fields to the south to be retained and unaltered and would be enclosed with security fencing and floodlighting;

The following responses were given to Members' queries:-

- given the size of the application site in the context of the much larger Riverside Valley Park, it was not felt that the fence would harm the character of the Valley Park and formal recreation was permitted in the Valley Park;
- the proposed cycle parking provision met the standards set out in the Supplementary Planning Document;
- the materials within the 3G pitch were to the highest current standards for a facility of this nature but could be replenished at a future date;
- detailed information had been provided on lighting to include integral solar time control to reduce the impact on neighbouring properties; and
- the pavilion had been sited so as not to interfere with the flood prevention measures.

Mr Strang, speaking in support of the application, raised the following points:-

- Exeter College had been again rated as Outstanding by Ofsted, with Inspectors praising strong links with partners across the city, an example being Exwick Community Sports Hub, providing facilities for football and tennis both for the college and for local clubs;
- hundreds of members of sports clubs and organisations would benefit; for example, Exwick Cricket Club and the Exeter Saracens and Exeter Athletic rugby clubs;
- the existing changing rooms were at the end of their useful life. Improved facilities would be provided for the college, the community and the city, with a

new gym, changing rooms, and other facilities. The all-weather 3G rugby pitch would enhance on-site facilities close to the new pavilion and the existing Exwick sports hub.

- the proposal responds to the feedback from the City Council, the Environment Agency, Sport England, the Rugby Football Union and neighbours;
- the footprint of the Pavilion has been reduced and moved away from the Exeter Flood Defence Scheme. The 3G pitch now covers an existing rugby pitch instead of the playing fields to the south, so the current cycle and walking routes are maintained, and
- it is only because the College was an Outstanding college that it was able to secure Government support to help meet the growing need for new facilities in the city.

Mr Strang responded as follows to Members' queries:-

- the Exwick Community Sports Hub had taken over the former Civil Service Club. Like the existing Exwick hub, use would be shared by the College and community sports clubs and overseen by the Sports Hub Advisory Board. The Advisory Board was established so that all constituent Members would have a say in the running of the facilities with not one organisation dominating;
- Exeter City Community Trust, who were members of the Sports Hub Advisory Board, would help ensure the facilities were available out of hours for the wider community, and a very broad range of people across the community were involved, from youngsters the age of three to four to the over 60's;
- consideration would be given to increasing the number of Sheffield steel cycle parking hoops above the ten currently proposed, and
- regarding the 3G pitch, rubber crumb infill was no longer viable because of escaping pollutants. The infill material, carpet material and base were to the highest current standards with a life expectancy of 20-25 years. The College was committed to sustainable measures in all areas.

Members expressed the following views:-

- the response of the College to initial issues raised during the consultation period had been very reassuring, reflecting the positive relationship the College had with the City Council and the local community;
- there had been a smooth transition from the role of the old Civil Service Club, and, whilst there had been social media comments regarding parking, this was more associated with neighbouring roads;
- the sizeable surrounding area already facilitated walking and cycling, and the lighting associated with the facilities would help mitigate anti-social behaviour; and
- conditions are suggested for increasing the number of cycle parking hoops and possibly providing an equivalent or more environmentally sustainable 3G pitch for the future.

The recommendation was for approval, subject to the conditions as set out in the report.

Subject to an additional condition requiring an increased number of Sheffield steel cycle parking hoops, the recommendation was moved and seconded, put to the vote and carried unanimously.

**RESOLVED** that, subject to a modified condition requiring an increased number of Sheffield steel cycle parking hoops, planning permission be **GRANTED** for the demolition of an existing building to provide a new Sports Pavilion and All-Weather 3G Pitch, subject also to the following conditions:-

1) The development to which this permission relates must be begun not later than the expiration of three years starting 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 9 November 2022 (including drawings numbers 1643-PL02G, 03H, 04E, 05F, 06F & 10A) as modified by other conditions of this consent.

**Reason:** To ensure compliance with the approved drawings.

3) Pre-commencement condition: Before commencement of any part of the site, the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00 am and 6:00 pm Mondays to Fridays inc.; 9.00 am to 1.00 pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the local planning authority in advance;
- (e) the number and size of vehicles visiting the site in connection with the development and the frequency of visits;
- (f) 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;
- (g) 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 the local planning authority has given prior written agreement;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works;
- (j) details of proposals to promote car sharing amongst construction staff to limit construction staff vehicles parking off-site;
- (k) details of wheel washing facilities and obligations;
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) Details of the amount and location of construction worker parking; and,
- (n) Photographic evidence of the condition of adjacent public highways before the commencement of any work.
- o) The erection and maintenance of securing hoarding, if appropriate.
- p) Measures to monitor and control the emission of dust and dirt during construction.
- q) No burning on-site during construction or site preparation works.
- r) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- s) No driven piling without prior consent from the local planning authority.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

**Reason for the pre-commencement condition:** In the interests of local amenities and safety.

4) Pre-commencement condition: No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flowerpots Sports Pitch Drainage Strategy (Report Ref. E06079 - TN001, Rev. P2, dated 4 November 2022).

(b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(c) Proposals for adopting and maintaining the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

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

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

5) Pre-commencement condition: No development shall take place on site until a full investigation of the site 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 shall not be occupied until the approved remedial works 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 for the pre-commencement condition:** In the interests of health. This information is required before development commences to ensure that any remedial works are appropriately considered and addressed at the appropriate stage.

6) Pre-commencement condition: No development approved by this permission shall be commenced until a scheme to minimise flood damage to the proposed development by utilising flood-resilient construction techniques to an appropriate level has been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the approved details.

**Reason for the pre-commencement condition:** To minimise the damage to the building from flood events.

7) Pre-commencement condition: Unless otherwise agreed in writing, no development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks



associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (3) is complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

**Reasons for the pre-commencement condition:** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

8) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall be constructed in accordance with the Bespoke Sustainability Framework dated November 2022 prepared by Eco Doodle. Reason: To ensure that the proposal complies with Policy CP15 of the Council's adopted Core Strategy and in the interests of delivering sustainable development.

**Reason:** To ensure that the proposal complies with Policy CP15 of the Council's Adopted Core Strategy and in the interests of delivering sustainable development.

9) Samples 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. After that, the materials used in the development construction shall correspond with the approved samples in all respects.

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

10) 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 building shall be occupied, or approved use commence until the local planning authority has 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, after that, 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 the interests of amenity.

11) In the event of failure of any trees or shrubs planted in accordance with any scheme approved by the Local Planning Authority to become established and to prosper for five years from the date of the completion of the 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 the interests of amenity.

12) The Tree Protection Plan and Arboricultural Method Statement and plan submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision detailed in the Tree Protection Statement (ref: JG/B475/1022), by a suitably qualified tree specialist.

**Reason:** to protect retained trees within or near the site.

13) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted and approved in writing by the LPA. The predicted noise levels shall be submitted before the development's commencement and demonstrated by measurement before the occupation of the development.

**Reason:** In the interests of residential amenity.

14) The use hereby approved shall not be carried on other than between the hours of 0830 to 2200 on any day and shall not be carried on at all on public or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of residential amenity.

15) No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided in accordance with the approved details. After that, 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.

16) The approved development shall not be brought into use until space has been laid out within the site in accordance with the approved drawings for cars to be parked for vehicles to turn so that they may enter and leave the site in forward gear.

**Reason:** To ensure adequate parking is available to accommodate the vehicles attracted to the site.

17) Before the occupation of any building now approved, details of the provision for nesting swifts shall be submitted to and approved in writing by the Local Planning Authority. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained.

**Reason:** In the interests of preserving and enhancing biodiversity in the locality.

13

**LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Director City Development was submitted.  
**RESOLVED** that the report be noted.

14

**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.  
**RESOLVED** that the report be noted.

15

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 14 March 2023 at 9.30 a.m. to which all Committee Members are invited.

(The meeting commenced at 5.30 pm and closed at 9.00 pm)

Chair