

# Planning Committee Report – 21/1710/FUL

## 1.0 Application Information

<b>Number:</b>	21/1710/FUL
<b>Applicant:</b>	Exeter College
<b>Proposal:</b>	Demolition of an existing building to provide a new Sports Pavilion and All-Weather 3G Pitch.
<b>Site Address:</b>	Exwick Changing Rooms, Western Road, Exeter
<b>Registration Date:</b>	5 November 2021
<b>Link to Application:</b>	<a href="http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=R23V49HBJPN00">http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=R23V49HBJPN00</a>
<b>Ward Member(s):</b>	Cllrs Bialyk, Knott & Sutton

Reason Application is going to Committee: in the interests of transparency because the application has attracted significant public interest.

## 2.0 Summary of recommendation

GRANT subject to conditions.

## 3.0 Reason for the recommendation

The proposal complies with local and national policies supporting a healthy lifestyle and protecting the environment and local amenity.

## 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The principle of the proposal is supported by a range of local and national planning policies and the City Council's 2022 Playing Pitch Strategy.
Community Facility and Sports Pitch Provision	The proposed development complies with the clear national and local planning policy directives to promote and support active and healthy lifestyles (Chapter 8 of the NPPF, Core Strategy Policy CP10 and Local Plan Review Policies L5 and L6).

Green Infrastructure and Valley Parks	The proposal complies with national and local planning policy (paragraphs 20 and 92 of the NPPF, Core Strategy Policy CP16 and Saved Policy L1 of the Local Plan Review).
Landscape and Ecology	The proposal complies with Local Plan Saved Policy LS1. Biodiversity and landscaping enhancement measures can be secured by condition.
Pedestrian and Cyclist Accessibility	The proposed development would not affect existing cycle and walking routes. Cycle parking will be provided. The vehicular route to the site and the level of car parking provision will not change.
Flood Risk and Drainage	The Environment Agency and Devon County Council, as Local Lead Flood Authority (LLFA), have withdrawn their initial objections to the proposals.
Noise	The proposed pavilion is set well away from nearby properties, separated by allotments. Similarly, neighbouring properties are significantly far from the proposed 3G pitch location. Subject to appropriate conditions restricting hours of use and details of noise insulation to the proposed pavilion, it is not considered that the proposal will cause harm by noise.
Sustainability	The proposed development incorporates sustainable design and construction methods. It is designed to be as resilient to climate change as possible, optimising energy and water efficiency through appropriate design, insulation, layout, orientation, landscaping and materials, and incorporating technologies that reduce carbon emissions in compliance with Core Strategy Policy CP15.

## **5.0 Description of site**

The application site is located west of Exeter city centre and the River Exe, within the Exwick Ward. Exeter City Council owns the land, which is leased to Exeter College. The application site and wider landholding are bisected by the main railway line that runs through Exeter, with a pedestrian underpass providing access via a public footpath.

The application site comprises two land parcels:

- a land parcel located to the west of the railway line, currently occupied by the existing Exwick Changing Rooms, with vehicular access via Western Road to the west;
- a land parcel to the east of the railway line, which forms part of Flowerpots Playing Fields and comprises an existing grassed rugby pitch. This pitch is enclosed on all sides by a railing of approximately 1.2 m height.

Flowerpots Field is bounded north and east by the Exwick Flood Relief Channel, an artificial channel parallel to the River Exe. To the south of the existing grassed rugby pitch is the skate park at 'The Flowerpot Chill Zone' and playing fields, beyond which lie residential properties to the south of Flowerpot Lane. To the west of the existing Changing Rooms are allotments, and to the north west of the Changing Rooms, the Exwick Sports Hub is home to an existing 'all-weather' football pitch.

## **6.0 Description of development**

The application proposes 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.

On the western land parcel, it is proposed to improve the existing sports provision at Flowerpots Fields through the replacement of the existing changing block with a contemporary pavilion building, offering replacement changing facilities and a gym at ground floor levels, with associated teaching space and social space with views of the existing sports pitch to the north.

On the eastern land parcel, it is proposed to replace the existing grassed pitch with a '3G' all-weather sports pitch, with associated security fencing and floodlighting. The necessary sub-surface construction of the pitch will be provided by excavating below existing ground levels, such that the pitch will be set at existing ground levels once constructed.

The application was initially submitted in November 2021. As part of the consultation process, several objections to the proposals were raised, including by statutory consultees: Sport England, the Lead Local Flood Authority (Devon

County Council), the Environment Agency, and from members of the public and local stakeholders, including the Exeter Civic Society and Exeter Cycling Campaign.

Revised proposals were submitted in November 2022. The development proposals have been amended in the following ways:

### **Proposed Pavilion**

- The previously proposed Pavilion was located on the top and directly in front of the Exeter Flood Defence Scheme. The proposed building is now to be offset from the Exeter Flood Defence Scheme embankment. It is now sited broadly in the same location as the existing Pavilion;
- The proposed footprint of the building has been reduced at ground level; the first-floor space has been extended using a cantilevered balcony on the northern elevation;
- The existing car parking and landscaping are to be retained and modified to reflect the access and layout of the proposed Pavilion.

### **Proposed Artificial Sports Pitch**

- 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 proposes 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. This necessitated a revision to the red edge boundary of the application site; however, all land remains within the blue edge as detailed on the submitted location plans (that is, owned by ECC and leased to Exeter College).

## **7.0 Supporting information provided by the applicant**

- Supporting Planning Covering Letter setting out key planning policy and material considerations
- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Arboricultural Report
- Proposed Bespoke Sustainability Framework
- Synthetic Surface Proposals and Outline Management Plan
- Lighting Impact Assessment and Lighting Design
- Revised plans and fencing details

## **8.0 Relevant planning history**

The application site and the wider Exwick Sports Hub/Flowerpots Playing Fields have been subject to several planning applications and associated s106 agreements. Particular applications of relevance are:

**Existing rugby pitch:**

[98/0414/FUL](#) – Erection of 6 no. flood lights and 3 no. 8 metre poles, single-storey storage building and use of land for formal recreational purposes. Conditional permission was granted in June 1998.

**Wider Exwick Sports Hub/Flowerpots Playing Fields:**

[03/0453/ECC](#) – Provision of recreation facilities to include a skate park, pedestrian and cycle access to highway and associated works (south of the proposed 3G pitch). Conditional permission was granted in April 2003.

[12/1169/ECC](#) – Replacement skate park facility (south of the proposed 3G pitch). Conditional permission was granted in December 2012.

[15/0870/FUL](#) – Creation of a new external sports pitch (3G artificial grass pitch) with fencing, floodlights and a storage container (north west of the proposed Pavilion). Conditional permission was granted in April 2017.

**Flood defence improvements to the River Exe**

[15/0172/FUL](#) ([19/1007/VOC](#)) – The construction of flood defence improvements, including raising existing defences, provision of walls, embankments and demountable defences. Conditional permission was granted in July 2015 (and subsequently varied in December 2019).

**9.0 List of constraints**

- Potentially contaminated land
- Flood zones 2 and 3

**10.0 Consultations**

**Devon County Council Principal Highway Development Management**

**Officer** - This is a planning application to demolish the existing building to provide a new sports pavilion and all-weather 3G pitch. The vehicular access for the site is currently along Western Road, and it is noted that the route is shared with Non-Motorised Users (NMUs). This new proposed sports pavilion will continue to use this as well as the existing traffic to the allotments. Although there will be an increase in the pavilion's size, it is unlikely that this will equate to a significant increase in the number of vehicle movements to and from

the site. It is noted that the parking area will be formalised and parking spaces provided. Bicycle parking is proposed, and the levels appear acceptable within the site.

It is unlikely that the development would represent a severe highway impact as defined within the National Planning Policy Framework (NPPF). On balance, it would be unreasonable for the Highway Authority to recommend a refusal of the planning application.

**Sport England** - Sport England has commented twice on the application (9 December 2021 and 6 January 2023). In its original, Sport England raised concern that the design of the Pavilion was not as inclusive as it could be and raised objections based on the proposed siting of the 3G pitch. Sport England recommended that the proposed artificial pitch be relocated north to replace the existing natural turf rugby pitch.

The Rugby Football Union also made a similar recommendation and provided information on the specification of the proposed pitch. The Football Foundation also queried the need for further formal surfacing football pitch provision. It provided information on the specification of the proposed pitch and space requirements for the proposed Pavilion.

The applicant engaged directly with Sport England after receiving the initial consultation response. This engagement informed the revised proposals, including the proposed revised location of the 3G pitch. In response to the revised proposals, Sport England's comments are set out below:

*It is understood that the application has been amended and the proposed 3G Artificial Grass Pitch (AGP) to WR22 rugby performance standard has been moved to the main College rugby pitch location. The type of 3G AGP infill may be subject to upcoming changes in EU law regarding microplastics. Alternative 3G AGP infills e.g. cork are being developed by the industry. Consideration on end of life AGP surface disposal should form part of the process of environmental sustainability. Changes have been made in the pavilion design.*

*The Exeter Playing Pitch Strategy (PPS) has been recently approved by Exeter City Council. The strategic planning document looks at the playing pitch needs for the current and future population. The PPS states that for Flowerpots/Exwick playing fields "proposal for upgrade of rugby pitch to either a hybrid pitch or a World Rugby compliant AGP".*

*A hybrid/carpet hybrid pitch is a natural turf pitch with synthetic turf fibres. It is cheaper to install than an AGP and in a community setting it has been tested to support 20-25 hours of use per week and maintain a reasonable playing quality at a reasonable cost with good user feedback. In conclusion, after 4 years the project has been successful in the short to medium term. Further monitoring will*

*confirm success over the longer term. A carpet hybrid in this challenging setting may well be a better solution to Exeter College than a 3G artificial grass pitch (AGP) as proposed.*

*Previous comments remain from the Football Foundation (FF) on the lack of any strategic need for an additional 3G AGP in this location for football. The site was previously used for football and the FF would welcome any football use of the site moving forward for match play. For this any 3G would have to meet a performance test and be listed on the 3G Register to allow for match play. To allow for adult match play the football pitch size must meet the FA recommended pitch size of 100m x 64m and allow for a minimum of a 3m safety run off from each perimeter line. This would easily fit into the dimensions of an adult Rugby 3G pitch.*

*For the revised Pavilion, the changing rooms would be suitable to meet football needs for both team and official changing rooms. The FF would note that there is a distinct lack of suitably located spectator WCs on the ground floor. There is also a lack of a kitchen and a social area that could provide a secondary spend option. It is appreciated that this option is provided in the existing adjacent College pavilion that serves the current football 3G and tennis courts.*

*Providing football match play can be accommodated on the proposed facility and the business plans for the two 3Gs in this location work for the College to enable both facilities to be replaced by the College when the carpet reaches the end of its usable life, the FF does not wish to raise an objection.*

*The RFU is pleased to see the new location of the 3G pitch is shown as per the RFU recommendation, minimising the impact on the existing natural turf pitches and making best use of the open space across the site. Sports lighting for the 3G remains a critical deliverable of the project to ensure the pitch can be used by community rugby clubs during evenings and weekends – the latest documentation evidences the sports lighting solution is in line with RFU specification for training and match play. The technical specification provided for the 3G system shows it will be constructed to, and achieve, World Rugby Regulation 22.*

*To fully support the application, the RFU seeks confirmation of the following:*

- The dimensions of the pitch (including run offs) to ensure the pitch can accommodate XV-a-side fixtures for the college rugby programme and community rugby clubs*
- A Community User Agreement which provides equitable opportunities for the community rugby clubs to use the pitch at an appropriate 'local partner' rate. Noting the existing and proposed future 3G provision across the city, the RFU is keen to fully understand how this 3G pitch will provide*

*a solution to the mid-week/training deficit at a number of community rugby clubs as recorded within the Exeter PPS.*

- *A business plan that evidences the long term viability of the WR22 compliant 3G pitch.*
- *A changing room design in line with the attached RFU Guidance Document to ensure appropriate welfare provision within each room.*

*From the information provided, and to be secured by planning condition, Sport England would be satisfied that the AGP proposal meets one of the exceptions of Sport England's Playing Fields Policy and Guidance (Exception 4) in that:*

*The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.*

*Sport England encourage the College to reinstate and promote the use of the playing pitches at Flowerpots/Exwick that could be used again for community sport as put forward by the College and agreed by the Council in the 2016 application. This may help meet the needs of the current and future populations of the city.*

*Comments on the pavilion design should be addressed by the applicant to ensure a fit for purpose building.*

*This being the case, Sport England does not wish to maintain an objection to this application, subject to a condition being attached to any planning permission granted requiring a Community User agreement be prepared in consultation with Sport England and agreed with Exeter City Council, to provide equitable opportunities for community members to use the pitch facilities.*

**Environment Agency** - the Environment Agency has commented twice on the application (7 December 2021 and 23 December 2022). In its initial consultation response, the Environment Agency objected to the proposals on the grounds of flood risk, due to an inadequate flood risk assessment and due to the potential impact of the scheme on an Environment Agency flood defence structure.

After receiving the initial consultation response, the applicant engaged directly with the Environment Agency. This engagement informed the revised proposals, including the proposed revised location of the Pavilion and 3G pitch. In response to the revised proposals, the Environment Agency's comments are set out below:



*The Environment Agency considers that the additional information and revised design are sufficient to overcome its objection; the EA considers that the development will be acceptable provided that conditions are included within any permission granted in respect of:*

- *Implementation of flood mitigation measures;*
- *Site Investigation and Remediation; and*
- *Unsuspected contamination.*

The December 2022 EA consultation response suggests wording for these details to be secured by a condition attached to any planning permission granted, together with associated advice on flood risk, contaminated land and pollution prevention.

**Devon County Council – Local Lead Flood Authority (LLFA)** - the LLFA has commented twice on the application (8 December 2021 and 15 January 2023). In its initial consultation response, the LLFA objected because the proposals and submitted information did not satisfactorily conform to Policy CP12 (Flood Risk) of Exeter City Council's Core Strategy (2012). The LLFA sought additional information to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

In response to the revised proposals, the LLFA has withdrawn its 'in principle' objection subject to the imposition of a condition attached to any planning permission granted requiring the submission of detailed drainage information for approval by the LLFA and Local Planning Authority.

**South West Water – no objections**

**Network Rail** - no objection in principle, subject to detailed technical comments regarding implementing the proposed works.

**Exeter City Council Environmental Health Officer – no objection to the proposal subject to noise and construction management conditions.**

**Exeter City Council Tree Officer** - no objections to the proposal, subject to a condition securing the Tree Protection Plan and Arboricultural Method Statement and Plan submitted in support of the application be adhered to in full and subject to the pre-arranged tree protection monitoring and site supervision detailed in the proposed Tree Protection Statement by a suitably qualified tree specialist.

**Exeter Civic Society** - Exeter Civic Society commented on the original proposals submitted in November 2021. It acknowledged that a pitch is required to improve facilities for Exeter College and Exeter Rugby Academy training and

matches but raised concern that several aspects of the proposals are not acceptable.

The Civic Society sought more information about the material and structure of the fencing. The Society also sought further detail on the provision for spectators and the access gates through the fence.

The Civic Society was concerned about the original positioning of the pitch. No objection was raised to demolishing the old and constructing a new Sports Pavilion.

**Devon County Council Waste recommends that a condition be attached to any planning permission granted to secure the submission of a Waste Audit Statement before the commencement of development.**

**Environmental Health** - the Phase 1 contamination report submitted recommends further investigation. A condition on contaminated land is recommended to cover this. A noise assessment is required to demonstrate that noise from the new pitch (which is likely to be used more intensively than the current one), and noise from the Pavilion will not harm amenity. Subject to receipt of this information, the Environmental Health Officer recommends approval with conditions attached to any planning permission granted requiring further details of a Construction Environmental Management Plan, contamination land and noise.

**Devon and Cornwall Police – Police Designing Out Crime Officer** - no objection to the proposals subject to recommended planning conditions.

- The installation of a vehicle barrier that can be utilised to prevent unauthorised access to the car park if necessary. Measures should be in place to prevent illegal encampments on the playing fields (noting that a barrier is currently in place, it must be fit to prevent unauthorised access).  
Reason: To help prevent crime, disorder and antisocial behaviour.
- CCTV with a clear Operation Requirement to be distributed throughout the Pavilion and car park.  
Reason: To help prevent/detect crime, disorder and antisocial behaviour.

**Exeter Cycling Campaign** - commented on the original proposals, noting support for the improvement of sports facilities that enable people to lead more active lives but raising three main concerns with the proposals as submitted and objecting to the application (13 December 2021):

- (i) *Section 4.9 of the Design and Access Statement refers to 'provisions for bicycles to encourage this mode of transport' but does not give further detail on this. Commitment should be made to provide covered, secure cycle parking in accordance with LTN 1/20 (a minimum of 20 spaces*

for students and 6 for staff) and make provision for storage of non-standard cycles.

(ii) Exeter Cycling Campaign note that Western Road provides the only means of vehicular access to the site. The section adjoining the Beach Bros factory is narrow and used by pedestrians, people cycling and motorists.

- an enlarged sports facility will give rise to additional vehicle movements along a narrow shared roadway increasing the potential for conflict between road users. The design proposals should reduce vehicle movements around the site including creation of a sustainable travel plan.

- It is assumed that Western Road will be the access route for construction and delivery vehicles. It is not acceptable for these large vehicles to mix with vulnerable road users. A vehicle management plan should be prepared that demonstrates how construction vehicles would be kept separate from those walking and cycling.

- The current scale of car parking charges do little to discourage access by private vehicles. The opportunity for 2 hours free parking should be removed and revision of the tariffs for longer stays.

(iii) The removal of one of the paths around the eastern part of the site will concentrate more users on foot and cycle paths that fall short of the guidance provided in LTN 1/20. These paths are well used but are of an outdated design and subject to flooding every time it rains. If this application will create additional journeys travelling to and from sports pitches in the area, it has the potential to create conflict between path users. The applicant should make a commitment to fund upgrades to the paths in this area. This could be achieved by raising the footway above ground level to minimise the risk of flooding and constructing a separate, two-way route for people cycling between Miller's Crossing and the proposed Sports Pavilion area.

**RSPB** - recommends that swift bricks/boxes be incorporated into the elevations of the proposed pavilion building (a minimum of eight boxes) to enhance the site's biodiversity.

## 11.0 Representations

In response to the initial consultation on the original plans, 38 letters of representation were received. 32 letters of objection were received and raised the following concerns:

- Flowerpot/Exwick Fields is a beautiful area everyone enjoys, from dog walkers to parents and grandparents playing games, running, walking, and picnicking. The area is intended for the whole community, not just those

who belong to the College or other clubs. The grounds should be left for wildlife and children to explore.

- Impact of proposed artificial surfacing on human health, biodiversity and the environment;
- The artificial pitches are less safe for players than natural pitches.
- The carbon impact of the development proposals;
- Impact of the development on trees and wildlife;
- Reduction in public open space: the space should not be fenced off from the public;
- Loss of playing field;
- Promoting the use of private car contrary to Exeter City Council's parking strategy;
- Failing to meet sustainability targets in construction, contrary to Exeter City Council and Exeter College's sustainability policy/strategy.

Six letters of support were received, noting the following:

There is a lack of accessible sports facilities. Members of the public, local schools and grassroots sports organisations should be able to access the proposed facilities for a fee. The local authority lacks a sufficient budget to maintain all green spaces in the city, and improving the facilities here to ensure income generation from the College is an appropriate response. Increased use of these spaces for organised sport and including floodlighting will hopefully reduce levels of antisocial behaviour on Flowerpots Field and at the adjacent skate park.

Exeter Chiefs support the proposed development. The nearest community-accessible all-weather rugby pitch is in Ivybridge. Given that in the winter weather, up to 50% of community and youth rugby is cancelled at certain times, there is an urgent need for more access to facilities that can be used all year round. This is important to all sports clubs, professional and amateur. The significant investment by the College in rugby will make a difference to rugby in Exeter, in Devon and the broader region. Physical activity is critical to a healthy city; therefore, additional facilities available all year round must be a good thing for the city and the well-being of its community.

Exeter City Community Trust supports the proposal. As a health and well-being charity, the Trust has seen the benefits that such facilities bring to the community. In working with Exeter College to deliver a range of sports participation and educational programmes, the Trust can also attest to the positive impact of its work both from individual and collective perspectives. Having viewed the proposals, the Trust considers that the new facilities will help to meet a real need and demand in the city for high-quality facilities whilst also extending opportunities – and long-lasting benefits – to a broader range of people across the community.

The Chairman of Exeter Saracens Juniors, Exeter Saracens Girls Section Manager and Club Safeguarding Officer support the development proposed to build a new community-accessible 3G Rugby Pitch. With over 450 members across the range of Junior, women's, men's and walking rugby, Exeter Saracens is constantly facing the issue of having no facilities for training due to:

- the impact of weather on the current grass training facilities;

- Lack of appropriate facilities (specific for rugby and aligning with safety measures);
- The sheer growth in the number of participants;
- Costs of current hire charges – With a community partnership developed with Exeter College, having an evening slot at the proposed pitch allocated to the Saracens club would be extremely beneficial to increasing the access to high-quality facilities and, in turn, lead to more children and adults taking part in physical health and activity.

The Chairman of Exeter Athletic Rugby Club (with over 300 members and a community partner of Exeter College) also supports the proposals and faces the same situation as the Exeter Saracens, noting the artificial pitch will provide a significant recruitment opportunity to draw new juniors and ladies into the game (the ladies team folded during the COVID-19 pandemic) which would be great for the physical/health benefits alone. Having an all-weather pitch facility will significantly remove a participation barrier to joining the game's physical activity, helping keep young people enjoying a sport and remaining active.

The Junior Vice Chair of Topsham Rugby Football Club (RFC), circa 450 playing members, also fully supports the proposals. With a community partnership developed with Exeter College, having an evening slot allocated to Topsham RFC at a reasonable hire charge would be extremely beneficial in increasing the access to high-quality facilities and, in turn, lead to more children and adults taking part in physical health and activity.

Four letters of representation were received in response to the consultation on the revised plans. Two letters of objection were received and raised the following concerns:

- The carbon impact of the development proposals;
- The visual impact of the proposed fencing;
- Minimal cycle storage is offered;
- Inadequate vehicular access for the construction and operational stages of the development proposals, which could create dangerous site circumstances for cyclists and walkers;
- Leisure space should be for all people, not only for young people.

Two letters of support were received, noting the following:

- The proposed facilities will bring health and well-being benefits to the community.
- Exeter College helps deliver a range of sport participation and educational programmes that positively impact those participating.
- The facilities will meet a real need and demand in the city for high-quality facilities whilst also extending opportunities, and long-lasting benefits, to a broader range of people across the community.

- The existing changing facility needs to be replaced. The revised plans create an excellent facility and improved public amenity, with the opportunity for a community space, classrooms, and changing facilities. The revised plans for the 3G pitch consider the objections on the grounds of pollution and public health risk. Moving the proposed location to the existing enclosed grass pitch removes any complaint regarding the loss of amenity.

## **12.0 Relevant policies**

### **Central Government Guidance**

National Planning Policy Framework (NPPF) 2021  
Planning Practice Guidance

### **Exeter Local Development Framework Core Strategy 2012**

CP10 – Community facilities  
CP11 – Pollution and air quality  
CP12 – Flood risk  
CP15 – Sustainable design and construction  
CP16 – Green infrastructure, landscape and biodiversity  
CP17 – Design and local distinctiveness

### **Exeter Local Plan First Review 1995-2011 Saved Policies**

L4 – Provision of playing pitches  
L5 – Loss of playing fields  
L6 – Intensive-use facilities  
L7 – Local sporting facilities  
L8 – Indoor sports facilities  
T1 – Hierarchy of modes of transport  
T2 – Accessibility criteria  
T3 – Encouraging the use of sustainable modes of transport  
T9 – Access to buildings by people with disabilities  
T10 – Car parking standards  
LS1 – Landscape setting  
EN2 – Contaminated land  
EN3 – Air and water quality  
EN4 – Flood risk  
EN5 – Noise  
DG1 – Objectives of urban design  
DG2 – Energy conservation  
DG3 – Commercial development  
DG7 – Crime prevention and safety

### **Exeter City Council Supplementary Planning Documents**

Sustainable Transport SPD 2013

Trees and Development SPD 2009  
Exeter Area and East Devon New Growth Point Green Infrastructure (GI)  
Strategy (December 2009)

**Exeter City Futures**  
Net Zero Exeter 2030 Plan

**Devon Waste Plan**  
Policy W4: Waste Prevention  
Policy W10: Protection of Waste Management Capacity  
Policy W21: Making Provision for Waste Management

**Devon County Council Supplementary Planning Document**  
Waste Management and Infrastructure

### **13.0 Human rights**

Article 6 - Right to a fair trial.  
Article 8 - Right to respect for private and family life and home.  
The first protocol of Article 1, protection of property

Considering the application in accordance with Council procedures will ensure that the views of all those interested are taken into account. All comments from interested parties have been considered and reported within this report in summary, with full text available via the Council's website.

Any interference with property rights is in the public interest and accordance with the Town and Country Planning Act 1990 regime for controlling land development. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

### **14.0 Public sector equalities duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions, must have "due regard" to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and those who do not.



Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that is connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that is different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to remove any disadvantage entirely, the Duty is to have “regard to” and remove OR minimise disadvantage. Considering the merits of this planning application, the planning authority has had due regard to the matters set out in section 149 of the equality Act 2010.

## **15.0 Financial Issues**

The requirements to set out the financial benefits arising from a planning application are set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:-

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) of the Town and Country Planning Act 1990.

The information or financial benefits must include a list of local financial considerations or benefits of a development that officers consider likely to be obtained by the authority if the development is carried out, including their value if known and should include whether the officer considers these to be material or not material.

### **Material considerations**

none

### **Non-material considerations**

none

The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is not CIL liable.

## 16.0 Planning assessment

### Principle of development

The **NPPF** sets out that planning decisions should address identified local health and well-being needs by aiming to achieve healthy, inclusive and safe places which enable and support healthy lifestyles. The NPPF further states that planning authorities should plan positively for the provision and use of community facilities (such as sports venues and open spaces) to enhance the sustainability of communities by providing the social, recreational and cultural facilities and services the community needs. They should consider and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community (paragraphs 92 and 93).

To ensure the delivery of public service infrastructure, the NPPF directs that local planning authorities take a proactive, positive and collaborative approach with delivery partners to plan for necessary facilities and resolve key planning issues (paragraphs 95 and 95).

Access to a network of high-quality open spaces and opportunities for sport and physical activity is essential for the health and well-being of communities. They can deliver comprehensive benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision (paragraph 98).

Paragraph 99 of the NPPF sets out that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by an equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which outweigh the loss of the current or former use.

In its response to the **House of Lords National Plan for Sport and Recreation Committee's 'A national plan for sport, health and well-being'** in February 2022, the Government made clear that being physically active and taking part in sports has a wide range of benefits, both for individuals of all ages, genders and

demographics and communities more widely. It brings people together and builds social bonds, it can help drive economic activity at local and national levels, and it can help people develop skills and confidence:

*“The government is committed to increasing activity levels across the country. We recognise that the COVID-19 pandemic has had a negative impact on activity levels and that change is needed. We want to support the nation to recover from the pandemic, building back fitter and healthier, and to address stubborn inactivity levels that predate the pandemic”.*

**Sport England’s ‘Playing Fields Policy and Guidance’** also sets out that development should not lead to the loss of, or prejudice the use of all or any part of a playing field, unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.

The **Exeter City Council Playing Pitch Strategy (PPS)** was published in 2022. The PPS was approved by Full Council on 13 December 2022 and is a material consideration. The rationale of the Exeter PPS is to:

- Recognise and give significant weight to the benefits of sport and physical activity;
- Undertake, maintain and apply robust and up-to-date assessments of need and strategies for sport and physical activity provision, and base policies, decisions and guidance upon them;
- Plan, design and maintain buildings, developments, facilities, land and environments that enable people to lead active lifestyles;
- Prioritise sites for investment to protect, enhance and provide new sports pitches for local communities;
- Provide a clear strategy for external partners to engage with and work alongside Exeter City Council to deliver playing pitch improvements.

Amongst its key objectives, the PPS seeks to:

- protect existing provisions and proactively plan for and provide sufficient and appropriate high-quality facilities and opportunities (enhanced and new) to meet the demand to 2040, wherever possible, making the best use of facilities already available;
- develop, maintain and value strategic partnerships within the city and from neighbouring authorities and involve all stakeholders and managing and operating agencies in a framework which enables the sharing of skills, expertise and resources to deliver the PPS;
- place new and enhanced playing field facilities at the heart of a network of community sports hubs to encourage participation in sports and other outdoor activities and to facilitate community involvement, management and use;

- recognise the value of educational investment in Exeter into pitches and sports in supporting community and city aspirations for a healthier city, consolidating their offer, and supporting them in enhancing their facilities and developing further community use and involvement.

The PPS is clear that the successful delivery of Community Sports Hubs will be a priority focus in implementing the Strategy. As noted above, the existing Exwick Community Sports Hub (covering the Exwick and Flowerpot Playing Fields and the Exwick Sports Hub) is identified as a good practice example.

The PPS identifies that to cater for new rugby teams, there is a need for access to the equivalent of at least four rugby pitches within Exeter, either by improving existing capacity or through new provisions. It explicitly recognises that the proposed development at Flowerpot Playing Fields would increase the capacity of the pitch and includes it as one of four 'key sites' required to meet the demand for rugby pitches. Similarly, the PPS identifies a shortfall of suitable cricket facilities and references the proposed development as a '*key project*'. The Action Plan meanwhile earmarks the site and the proposed development as a 'priority' for delivery and protection. The PPS identifies the following site-specific key projects of relevance to the current proposals at the Exwick Playing Fields/Flowerpot Playing Fields:

- Provision of an on-site pavilion to serve football and cricket. This is proposed as part of the rebuild of the pavilion/changing facilities by Exeter College in association with the application for a floodlit 3G FTP (WR22 compliant) or hybrid pitch at Flowerpot.
- Proposal for upgrade of the rugby pitch to either a 3G AGP (WR22 compliant) or a carpet hybrid pitch with sports lighting (floodlit) with associated changing Pavilion on Exwick Playing Fields to replace existing provision (pages 19, 22 and 25 of the PPS and pages 10 and 11 of the accompanying Action Plans).

**Exeter City Council's Corporate Plan 2022 – 2026** outlines building a healthy and active city as one of its strategic priorities. Amongst the critical actions identified, the Corporate Plan commits to deliver a new playing pitch strategy for the city that invests in and supports residents to access green spaces, grass and artificial sports pitches.

### **Community Facility and Sports Pitch Provision**

Core Strategy Policy CP10 (Meeting community needs) outlines that facilities that meet Exeter's community, social, health, education, leisure and recreation needs (amongst others) will be protected. New and improved community facilities must be provided to meet the needs of new development, contribute positively to

safeguarding and creating sustainable communities, promote social inclusion and reduce deprivation. Policy CP10 sets out that facilities which serve the city as a whole should be located in the City Centre or, if this is not feasible, at sustainable locations which are readily accessible.

Saved Policy L5 of the Local Plan Review seeks to protect existing playing fields and sets out that proposals that would result in the loss of a playing field will not be permitted if the loss of the playing field would cause harm to recreation opportunities in the area. Saved Local Plan Policy L6 constitutes a permissive policy for synthetic turf pitches.

Sport England initially objected to the original proposals because they would result in the loss of playing fields to the west of the skate park. Sport England, the Rugby Football Union and Exeter Civic Society recommended that the proposed 3G would be better located on the existing rugby pitch further north, as currently proposed.

The most recent Sport England consultation comments confirm that the revised proposals comply with Exception 4 of Sport England's Playing Fields Policy and Guidance. The area of playing pitch to be lost due to the proposed development will be replaced by a new playing pitch of equivalent or better quality and equal quantity in a suitable location and subject to equivalent or better accessibility and management arrangements. Based on the revised proposals Sport England raise no objections but seeks a condition requiring a Community User Agreement to be prepared in consultation with Sport England to provide equitable opportunities for community members to use the pitch facilities.

Exeter City Council and Exeter College are already committed to establishing a strategic sports partnership. Amongst its fundamental principles, it requires the College to provide appropriate sports and leisure community groups access to affordable sports and physical activity facilities. The College and the City Council must agree on governance arrangements that enable local community sports groups to have a voice. On this basis, securing a further separate Community User Agreement is not considered necessary by a condition associated with any planning permission granted.

As identified within Exeter City Council's Playing Pitch Strategy, the proposals will directly contribute to an identified need for upgraded changing facilities at Exwick Community Sports Hub and upgraded rugby and cricket pitch provision. The proposed development represents a significant investment into and enhancement of sports and recreation infrastructure at an established Community Sports Hub for playing pitch sports within the city. Furthermore, the Chairman of Exeter Saracens Juniors, the Exeter Saracens Girls Section Manager and Club Safeguarding Officer, the Chairman of Exeter Athletic Rugby Club and the Junior Vice Chair of Topsham Rugby Football Club (RFC) have written in support of the proposals.

The proposed development complies with the clear national and local planning policy directives to promote and support active and healthy lifestyles (Chapter 8 of the NPPF, Core Strategy Policy CP10 and Local Plan Review Policies L5 and L6).

### **Green Infrastructure and Valley Parks**

The application site is located within Riverside Valley Park, one of seven crucial informal recreation areas identified within the development plan. They are 'green lungs' within the city that contribute to biodiversity, providing formal and casual recreation opportunities that are readily accessible by foot or cycle. Stretching from Cowley Bridge to Topsham, the development plan identifies this park as the largest of the Valley Parks. It notes that the park's landscape character and wildlife value alters significantly along its length, from grazing meadows in the north, through the Quay/Canal Basin area and then southwards to become part of the Exe Estuary Site of Special Scientific Interest. It is recognised as a popular informal recreational area that is accessible from many parts of Exeter, and it forms a continuous wildlife corridor through the city.

Saved Policy L1 of the Exeter Local Plan First Review sets out that measures to enhance the Valley Parks will be implemented based upon achieving a balance between the aims of conservation, recreation, public access and environmental education. Development which would harm existing or potential opportunities for informal recreation in the Valley Parks will not be permitted. The supporting text to this policy states that the only forms of development appropriate within these areas concern outdoor recreation, agriculture or forestry. Core Strategy Policy CP16 further says that the strategic green infrastructure network (including the Valley Parks) will be protected and enhanced. The character and distinctiveness of the Valley Parks will be safeguarded, and proposals for landscape, recreation, biodiversity and educational enhancement will be brought forward under the guidance of the Green Infrastructure Strategy.

The NPPF defines Green infrastructure (GI) as a network of multi-functional green and blue spaces and other natural features, urban and rural, capable of delivering a wide range of environmental, economic, health and well-being benefits for nature, climate, local and broader communities and prosperity. The Exeter Area and East Devon New Growth Point published Green Infrastructure (GI) Strategy (December 2009) also defines Green Infrastructure, recognising:

*"GI means many things to many people and various definitions and approaches to GI planning exist throughout the country. However, there is a significant amount of common ground within the available approaches, notably that GI involves natural and managed areas in both urban and rural settings, is about the strategic connection of open areas, and that it should provide multiple benefits for people and wildlife."*

*GI Planning is a strategic and collaborative approach to regeneration, conservation and land management that addresses the environmental, social and economic aspects of new development and change in both urban and rural areas”.*

The GI Strategy recognises that Riverside Valley Park performs a multitude of functions and often balances competing demands, including formal and informal recreational areas:

*“The parks and open spaces, in combination with grazing land, allotments, sports pitches and semi natural habitat areas along the Exe, combine to create a wealth of experiences, views and recreation opportunities”* (Section 7.2.5, page 47).

The proposed development would significantly contribute to the outdoor recreational and leisure uses available on the city’s western side. The proposed development represents a significant investment into and enhancement of sports and recreation infrastructure at an established Community Sports Hub for playing pitch sports within Exeter. The development proposals would help support the Valley Park’s role as a critical recreational site within the city and ensure that the GI network remains intact. The proposed development and associated land use accord with the established GI network within Riverside Valley Park, which comprises a mix of formal and informal recreational areas and is compliant with national and local planning policy (paragraphs 20 and 92 of the NPPF, Core Strategy Policy CP16 and Saved Policy L1 of the Local Plan Review).

## **Landscape and Ecology**

The application site is located west of the designated Riverside Conservation Area. The Valley Parks are also identified within the development plan as an essential part of Exeter’s landscape setting. As such, Saved Policy LS1 of the Local Plan review states that development that would harm the city’s landscape setting will not be permitted. Development proposals should maintain local distinctiveness and character and, among other things, be reasonably necessary for agriculture, forestry, the rural economy, outdoor recreation or the provision of infrastructure. Any built development associated with outdoor recreation must be essential to the viability of the proposal unless the recreational activity provides sufficient benefit to outweigh any harm to the character and amenity of the area.

The proposed sports pavilion would replace an existing changing room facility on the site. The proposed footprint of the Pavilion has now been reduced compared to the previously submitted proposals and set at a lower land level away from the Exeter Flood Defence Scheme. Furthermore, the proposed 3G pitch would be on an existing rugby pitch site instead of the playing fields to the south. Concerning

landscape impact, the development proposals sensitively respond to the site context while reflecting its recreational land use function and value.

Concerning ecology, following the demolition of the existing changing rooms building, new tree planting and areas of new landscape planting are proposed to create additional opportunities for wildlife, compensate for the loss of grassland (despite its negligible ecological importance) and reduce the amount of hardstanding on the site. Eight swift boxes have been proposed along the east and west-facing elevations to further enhance the site's biodiversity, addressing comments from the RSPB. Such biodiversity and landscaping measures can be secured by a condition attached to any planning permission granted.

### **Pedestrian and Cyclist Accessibility**

The development plan identifies the importance of the Valley Parks being readily accessible on foot or by cycle. Saved Policies T3 – T5 of the Local Plan Review and Core Strategy Policy CP9 seek to protect and promote the use of walking and cycle routes, with a circular route through the city's Valley Parks identified. Designated cycle routes and the circular walking route run through Flowerpot Fields. A Public Right of Way runs adjacent to the western boundary of both land parcels.

By relocating the proposed 3G rugby pitch northwards, the proposed development would not affect the cycle and walking routes identified through Flowerpot Fields. The development proposals would ensure the permeability of Riverside Park is retained, mainly reflecting the existing layout. While it is acknowledged that fencing would enclose the rugby pitch reducing public accessibility to this limited area, this is necessary for safety and security. This was also identified within the Council's Playing Pitch Strategy, which recognised the need for more effective ways to manage public access to sports pitches and facilities to prevent dog fouling. On balance, therefore, it is considered that the proposed development would ensure ongoing permeability and accessibility for the variety of users of Riverside Park.

Concerning the concerns raised by the Exeter Cycling Campaign, it is relevant to note the following:

- The application site is located in a highly accessible location for cyclists and pedestrians, in proximity to Exeter St Davids and Exeter St Thomas railway station and bus services along Bonhay Road and Okehampton Road;
- The existing footpaths and cycleway will be retained;
- A covered cycle shelter will be provided, with 10 Sheffield hoops to accommodate 20 bicycle spaces and changing facilities incorporated into the sports pavilion;



- Vehicular access into the site via Western Road is not proposed to be altered, leading to the existing car park, which will be modified to reflect the access requirements and layout of the proposed Pavilion. The current car parking will be reviewed to ensure dedicated accessible parking spaces are provided and bicycle parking provision has been incorporated to facilitate more sustainable forms of transport. The existing car parking levels will remain unaffected by the proposals. Further detail on the final parking arrangements can be secured by a condition attached to any planning permission granted.
- A Construction and Environmental Management Plan addressing how vehicles will be managed during the construction process can be secured by a condition attached to any planning permission granted.

### **Flood Risk and Drainage**

The Environment Agency and Devon County Council, as Local Lead Flood Authority (LLFA), objected to the original proposals. As part of the revised proposals, a Drainage Strategy and Flood Risk Assessment accompany the submission. The Environment Agency and the LLFA have withdrawn their objections following a review of the modified details, subject to relevant conditions attached to any planning permission granted.

Both Sport England and the Planning Member Working Group raised concern that, given the site's location close to the River Exe, the pitch design should consider the need to contain the pitch surfacing to prevent the material from entering the watercourse. The revised submission includes a Synthetic Surface Proposal and Outline Management Plan, which details that, by utilising all available guidance, the applicant has incorporated sufficient mitigation measures to ensure the development proposal is safe, minimises its impact on the environment and uses the most sustainable technology available.

### **Noise**

The Environmental Health Officer recommends approval with conditions attached to any planning permission granted requiring further details of a Construction Environmental Management Plan, contamination land and noise.

Concerning the requirement for a noise assessment, it is relevant to note that there is an existing changing room facility on the site in the broad location where the Pavilion is proposed; the Pavilion will be of modern construction, with better associated acoustic insulation. Such a specification of noise insulation will be secured by condition. Further, the Pavilion is set well away from nearby neighbouring properties, separated by allotments. Similarly, neighbouring properties are significantly far from the proposed 3G pitch location. The existing grassed rugby pitch benefits from planning permission for use with floodlighting until 22:00 from Monday to Friday.

## **Sustainability**

A Proposed Bespoke Sustainability Framework accompanies the revised development proposals. This Framework applies the principles of BREEAM and recommends that BREEAM is applied in principle to the development proposals, where a bespoke framework could be used to monitor performance against the selected targets, allowing appropriate allocation of resources for the size and scope of the building. Sustainability measures that will be employed at this development will:

- Include a fabric-first approach, using lean and passive measures where feasible;
- Be resilient to climate change – best practice solutions to limit overheating and to ensure a comfortable thermal environment both in summer and winter times, with the consideration of projected climate change scenarios to ensure appropriate thermal environments in the future;
- Meet all of the mandatory performance standards required to achieve BREEAM 'Excellent';
- Incorporate natural ventilation (where appropriate);
- Include low and zero-carbon/renewable technologies, including air source heat pumps (ASHPs) and photovoltaic (PV) panels;
- Use LED lighting (including absence/presence detection where appropriate). Internal lighting will be zoned accordingly in primary occupied areas. External lighting to include integral solar time control;
- Utilise efficient water fixtures to reduce potable water consumption;
- Provide dedicated on-site cycle storage and facilities;
- Incorporate ecological and landscaping enhancement;
- Include waste and recycling provisions;
- Mitigate surface water run-off and watercourse pollution, including sustainable drainage systems (SuDS).

The proposed development incorporates sustainable design and construction methods. It is designed to be as resilient to climate change as possible, optimising energy and water efficiency through appropriate design, insulation, layout, orientation, landscaping and materials, and incorporating technologies that reduce carbon emissions in compliance with Core Strategy Policy CP15.

## **17.0 Conclusion**

The proposal complies with local and national policies supporting a healthy lifestyle and protecting the environment and local amenity.

## 18.0 Recommendation

GRANT permission subject 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) Pre-commencement condition: Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve a BREEAM excellent standard (minimum 70% score) as a minimum. Before the commencement of development of such a building, the developer shall submit to the Local Planning

Authority a BREEAM design (interim) stage assessment report, to be written by a licensed BREEAM assessor, which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required, the developer shall provide, before the commencement of development of the building, details of what changes will be made to the building to achieve the minimum standard for the approval of the Local Planning Authority to be given in writing. The building must be completed entirely in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building. It shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

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

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 0900 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.

