

Our Ref: 07C200869

1st February 2024

Mr G Molin,
Exeter City Council,
City Development,
Civic Centre,
Paris Street,
EX1 1NN

Dear Goran,

Exwick Changing Rooms, Western Road, Exeter, EX4 1EG
Application to vary Conditions 2, 4, 6, 9, 10, 13 and 15 following the grant of planning permission 21/1710/FUL

Avison Young is instructed on behalf of Exeter College to submit an application for the variation of Condition 2 (Approved plans) and associated variations to Conditions 4, 6, 9, 10, 13 and 15 following the grant of planning permission 21/1710/FUL, pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended).

This application seeks to alter the form and internal layout of the approved sports pavilion building, including provision of plant on the roof of the building, and minor alterations to the fencing and visitor/player viewing areas adjacent to the sports pitch.

Background Context and Current Proposals

Planning permission 21/1710/FUL was granted in February 2023 for the redevelopment of the site to deliver a new sports pitch and pavilion building. Following this, a non-material amendment was granted (reference 23/1092/NMA) in November 2023 to phase the approved development.

Following review of the approved plans, the College now seek to make amendments to the approved plans. Please see the submitted plans and Design and Access Statement for details of the proposed amendments, broadly defined as:

- Provision of plant and associated enclosure on the roof of the building instead of on the ground-floor;
- Internal reconfiguration of the ground and first floor internal layouts of the building;

- Minor alterations to the external elevations of the building;
- Minor alterations to the northern and western fencing/enclosure surrounding the sports pitch and to the visitor/player viewing areas adjacent to the sport pitch.

The plant and associated enclosure is proposed to be relocated to the roof of the pavilion building to protect it from flood events. This in turn has allowed for the reconfiguration of the internal layout of the pavilion which will create changing room facilities in keeping with the elite level sports training being delivered through the Exeter Chiefs Academy and Exeter College. The internal layout has been slightly remodelled in consultation with the College Sports Faculty and Exeter Chiefs Academy to ensure the facilities provide fit for purpose accommodation. Other changes include removal of one of the external entrance doors to help improve security and allow the gym space to be optimised. The viewing balcony has also been reduced in size which also enables some of the first-floor teaching accommodation to be reorganised and improved.

Similarly, the proposed amendments to the sport pitch also improve the facilities for elite level sports, allowing appropriate visitor/playing viewing areas adjacent to the pitch. Due to further engagement with Network Rail, the fencing to the northern and western elevations of the pitch is proposed to be enhanced with a further 2 metres of ball-stop netting (not solid mesh). This is a health and safety measure given the adjacency to the railway line. In terms of the size of the pitch, to confirm the revised proposals do not alter the size of the consented pitch (the pitch is compliant with World Rugby standards). Relevant dimensions are shown on the submitted plans and listed below for ease of reference:

Existing Natural Turf Pitch

126m x 75.5m = 9,513 square metres (Main pitch is 100m x 65.5m plus 8m dead-ball each end plus 5m run-off to perimeter)

Permitted Development (21/1710/FUL)

116m x 78m = 9048 square metres (Main pitch is 94m x 68m plus 6m dead-ball each end plus 5m run-offs to perimeter)

In addition, 2m space for spectators proposed to the Eastern side of the pitch as part of the consented development, resulting in a total footprint = 116m x 80m = 9280 square metres.

Current Proposals

116m x 78m = 9048 square metres (Main pitch is 94m x 68m plus 6m dead-ball each end plus 5m run-offs to perimeter)

This is based on the minimum compliant requirements as detailed in the World Rugby standards set out below:

Dimensions	Field of play length	In-goal length	Width
Maximum (metres)	100	22	70
Minimum (metres)	94	6	68

As part of the proposed revisions, a spectator area is proposed to the East (111.5m x 2.5m = 278.75 square metres) and an area for future player dugouts to the West (30m x 2.5m = 75 square metres). The total construction footprint = 9401.75 square metres plus entrance paths within the red line boundary shown on the plans approved under reference 21/1710/FUL.

This application, therefore, seeks to regularise the proposed changes by amending Condition 2 of planning permission 21/1710/FUL to amend the list of approved plans. In addition, this application is accompanied by further detail covering the requirements of other conditions imposed on planning permission 21/1710/FUL – Condition 4 (Drainage); Condition 6 (Flood Resilience); Condition 9 (Materials); Condition 10 (Landscaping), Condition 13 (Plant noise details), Condition 15 (Cycle parking facilities) and Condition 17 (Nesting swift details). It is, therefore, requested that these details are approved as part of this Section 73 application and updated conditions are attached to any permission granted to state the development shall be completed in accordance with the relevant approved details. Furthermore, as noted above, a non-material amendment was granted (reference 23/1092/NMA) in November 2023 to phase the approved development and make appropriate amendments to the planning conditions. However, Condition 8 of planning permission 21/1710/FUL was altered in error. Therefore, it is requested that the original Condition 8 of planning permission 21/1710/FUL is reimposed as part of any planning permission granted.

Legislative context

Section 73 of the Town and Country Planning Act 1990 (as amended) ('the Act') relates to applications to develop land without compliance with conditions previously attached; an application can be made under this provision to vary or remove conditions associated with a previous planning permission.

Section 73(2) sets out that, on such an application, the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted and:

"if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous planning permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly".

Section 70(1)(a) of the Act enables the local planning authority in granting planning permission to “*impose such conditions as they think fit*”. This power must be interpreted in light of material factors such as the National Planning Policy Framework (NPPF) (2023), Planning Practice Guidance, the development plan and relevant case law.

Planning policy context

The Planning and Compulsory Purchase Act 2004 (Section 38(6)) provides that planning decisions shall be taken in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises:

- The Exeter Core Strategy (February 2012);
- The saved policies of the Exeter Local Plan First Review 1995- 2011 (March 2005).

Planning policy is also set at a national level in the National Planning Policy Framework (NPPF) (2023) and associated Planning Practice Guidance (PPG), including the National Model Design Code and National Design Guide.

The following policies are considered to be of particular relevance to the proposed amendments.

The Development Plan

A key objective of the Core Strategy is to achieve excellence in design (Objective 9, page 15). In line with this, Policy CP17 requires all development proposals to exhibit a high standard of sustainable design that is resilient to climate change and complements or enhances Exeter’s character, local identity and cultural diversity.

Policy CP10 states that facilities that meet Exeter’s community, social, health, welfare, education, spiritual, cultural, leisure and recreation needs will be protected. New and improved community facilities and utilities infrastructure must be provided in a timely manner to meet the needs of new development, make a positive contribution towards safeguarding and creating sustainable communities, promote social inclusion and reduce deprivation.

Policy CP11 states that development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts, including noise pollution.

Policy CP12 states that the adopted spatial strategy reflects the precautionary approach to flooding and flood risk. All development proposals must mitigate against flood risk utilising sustainable drainage design where feasible and practical.

National Planning Policy Framework (2023)

The NPPF makes clear that local planning authorities should approach decisions on proposed development in a positive and creative way; they should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible (paragraph 38).

Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 is clear that planning decisions should ensure, inter alia, that developments will function well and add to the overall quality of the area, and that they are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Paragraph 96 of the NPPF is clear that planning decisions should aim to achieve healthy, inclusive and safe places and buildings which, inter alia, enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible sports facilities.

Paragraph 100 states that to ensure faster delivery of public services infrastructure such as further education colleges, local planning authorities should work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities.

Paragraph 165 is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, it should be made safe for its lifetime without increasing flood risk elsewhere.

Planning Assessment

The proposed amendment to provide the plant room on the roof of the sports pavilion will help to create a building that is more resilient to flooding in line with Policy CP12 of the Development Plan and paragraph 165 of the NPPF.

Moving the plant to the roof will free up space internally within the building to improve the facilities offered by the sports pavilion. This will support the college's ability to provide modern, fit for purpose facilities commensurate with its status as a key higher education institution, while also improving leisure facilities for the wider public. In this context, note should be taken of Policy CP10 of the Development Plan which states that facilities that meet Exeter's education, leisure and recreation needs will be protected, and that new and improved community facilities must be provided in a timely manner to meet the needs of new development. The proposed amendments to the interior of the building will directly support

these policy aims, as well as paragraphs 96 and 100 of the NPPF, the latter of which requires local planning authorities to work proactively and positively with promoters, delivery partners and statutory bodies to deliver public service infrastructure.

The amendments to the external elevations of the building are necessary to accommodate the new location of the plant on the roof, including the enclosure, and the internal layout changes. The principle of a building in this location and the visual impact this would have on the area has already been established as acceptable under the original consent. As the general footprint, form and materials of the building will remain unchanged, the general design of the building is still considered to be acceptable against the policies in the Development Plan. The external changes to the building are minor and will have a negligible impact on the character and appearance of the building and wider area. The parapet to the roof affords safe roof access as well as concealment of rooftop equipment from view. The proposed rooftop plant which will be barely perceptible in views, except possibly in glimpsed views from passing trains. We, therefore, consider the proposed amendments to comply with Policy CP17 of the Local Plan and paragraphs 131 and 135 of the NPPF.

The proposed amendments to the layout and increase in changing room sizes do not alter the planned occupancy numbers for the building, the larger changing rooms are proposed simply to provide the necessary space expected to accommodate 'Elite Level' sports fixtures. Therefore, no additional cycle parking or car parking provision is proposed/required.

Having regard to the policy context outlined above it is considered that the proposed amendments to the approved scheme are acceptable and compliant with the above referenced policy context.

Documents submitted with this application

The following documents have been submitted alongside this Covering Letter with this application:

- Application form;
- Community Infrastructure Levy – Additional Information Form;
- Plans including:
 - Location plan Drg. No. 1643-PL02 Rev. H;
 - Proposed Phasing plan Drg. No. 1643-PL11 Rev. A;
 - Sports Pavilion Site plan Drg. No. 1643-PL03 Rev. I (covering the requirements of Condition 15 (Cycle parking facilities) of planning permission 21/1710/FUL);
 - Sports Pavilion Proposed Floor plans Drg. No. 1643-PL05 Rev. H;
 - Sports Pavilion Proposed Elevations Drg. No. 1643-PL06 Rev. I;
 - Sports Pavilion Detailed Landscaping plan Drg. No. 1643-PL12 Rev. A (covering the requirements of Condition 10 (Landscaping) of planning permission 21/1710/FUL);
 - Sports Pavilion Proposed Roof plan Rev. A Drg. No. 1643-PL13;

- Sports Pavilion Site Section Drg. No. PL14;
- Sports Pitch General Layout Drg. No. V/2301/01 Rev. C;
- Sports Pitch Fencing Layout Drg. No. V/2301/02 Rev. C;
- Sports Pitch Elevations Drg. No. V/2301/03 Rev. C;
- Drainage details (covering the requirements of Condition 4 of planning permission 21/1710/FUL) including:
 - For the sports pavilion:
 - Surface Water Drainage Scheme Operation and Maintenance Plan;
 - Proposed Drainage Plan Drg. 900 Rev. P02;
 - Drainage Details Drg. 902 Rev. P01;
 - Drainage Details Drg. 903 Rev. P01;
 - Proposed Exceedance Flow Routing Plan Drg. 905 Rev. P01;
 - For the sports pitch:
 - Sports Pitch Drainage Strategy Drg. No. SK100 P3;
 - Drainage Maintenance and Management Plan and Network Analysis Results;
- Plant noise details (covering the requirements of Condition 13 of planning permission 21/1710/FUL);
- Design and Access Statement Addendum (covering the requirements of Condition 6 (Flood resilience), 9 (Materials) and 17 (Nesting swift details) of planning permission 21/1710/FUL).

The requisite application fee will be paid to the Planning Portal separately.

I trust that you have sufficient information to register the accompanying application and look forward to receiving confirmation that the application has been validated in due course. Please do not hesitate to contact me should you have any queries with regard to the details as set out above.

Yours sincerely,



Sally Davis

Director

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For and on behalf of Avison Young (UK) Limited