

Mr Cord
Kensington Court
Woodwater Park
Pynes Hill
Exeter
EX2 5TY

Exeter Rugby Group Plc
Sandy Park Stadium
Sandy Park Way
Exeter
EX2 7NN

Town and Country Planning Act 1990 and its orders

OUTLINE PLANNING PERMISSION GRANTED

LOCATION: Sandy Park Lodge (Formerly Primrose Orchard) Old Rydon Lane Exeter EX2 7JP.

PROPOSAL: Demolition of Existing Bungalow to allow construction of New Hotel with up to 250 Bedrooms and associated facilities including new pedestrian foot Bridge link as main entrance at high level via Sandy Park Stadium Car Park. (Outline application with all matters reserved)

APPLICATION NUMBER: 17/0665/OUT

The Local Planning Authority grants outline permission for the above development subject to the following conditions:-

1) 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(2) of the Town and Country Planning Act 1990 (as amended).

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 24th April, 11th July and 8th September 2017 (including dwg. nos. 1632 L01.04 Rev B, SPH-KT-L01.03-D, SPH-KT-L01.02-D, SPH-KT-L02.01-A, SPH-KT-L03.01-A and 1632L03.02 A) as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

3) **Pre-commencement condition:** The development hereby approved (planning application no. 17/0665/01) shall not be implemented until a Traffic Regulation Order (TRO) in respect of the introduction of a one-way system (east bound only) along a stretch of Old Rydon Lane between the railway bridge and the application site has been approved and implemented by Devon County Council as the relevant Highway Authority, and all works necessary to implement the Order have been completed to the Highway Authority's satisfaction and the Order brought into force.

Reason for pre-commencement condition: To ensure that traffic associated with the servicing of the hotel, and associated use of staff parking spaces provided directly on the hotel site, is managed to protect the capacity of the highway network and the safety of pedestrian and cycle users of Old Rydon Lane in the vicinity of the site.

4) Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1st January 2019. Prior to commencement of development of such a building the developer shall submit to the Local Planning Authority a BREEAM design 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 by this consent the developer shall provide prior to 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 fully 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 and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

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

5) **Pre-commencement condition:** Prior to the commencement of the development hereby permitted, a detailed surface water management plan shall be submitted for written approval to the planning authority (who shall consult with Highways England on behalf of the Secretary of State for Transport). Surface water management shall be implemented in line with the approved plan and maintained as such thereafter.

Reason for pre-commencement condition: To protect the integrity of the adjacent M5 motorway embankment and drainage system.

6) **Pre-commencement condition:** Prior to the commencement of the development hereby permitted, a detailed landscaping plan and planting schedule for the treatment of the M5 motorway boundary shall be submitted for written approval to the planning authority (who shall consult with Highways England on behalf of the Secretary of State for Transport). Planting shall be undertaken in accordance with the approved schedule and maintained as such thereafter.

Reason for pre-commencement condition: To protect the integrity of the adjacent M5 motorway soft estate.

7) Prior to the development hereby permitted being brought into use, a revised travel plan for the whole of the Sandy Park site, incorporating the hotel, shall be submitted for written approval to the planning authority (who shall consult with Highways England on behalf of the Secretary of State for Transport). The travel plan measures shall be implemented in accordance with the agreed plan.

Reason: In order that the development promotes public transport, walking and cycling, and limits the reliance on the private car.

8) Prior to the development hereby permitted being brought into use, a revised Match Day Access Strategy shall be submitted for written approval to the planning authority (who shall consult with Highways England on behalf of the Secretary of State for Transport). Thereafter the hotel shall only be used and operated in accordance with the approved Match Day Access Strategy.

Reason: In the interests of highway safety, the efficient operation of the local and strategic road networks, and to safeguard the amenities of neighbouring residents.

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. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

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

10) **Pre-commencement condition:** 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 development shall take place until the Local Planning Authority have 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 thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason for pre-commencement condition: To safeguard the rights of control by the Local Planning Authority in these respects and in 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 a period of five years from the date of the completion of 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 in the interests of amenity.

12) **Pre-commencement condition:** A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

13) No construction/demolition work shall take place outside the following times: 8am to 6pm (Mondays to Fridays) 8am to 1 pm (Saturdays) nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

14) **Pre-commencement condition:** 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 for pre-commencement condition: 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.

15) Noise from mechanical building services plant shall not exceed the limits set in Table 6.5 of the Sandy Park Hotel Noise Impact Assessment report dated April 2017 by WSP Parsons Brinckerhoff.

Reason: In the interests of the residential amenity of the occupants of surrounding properties.

16) Pre-commencement condition: The applicant shall undertake a noise impact assessment for this application, which shall be submitted and approved in writing prior to commencement of the development. This report shall consider the impact of noise from the development on local receptors and shall include noise from patrons, deliveries, collections and events.

If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.

Reason for pre-commencement condition: In the interests of the residential amenity of the occupants of surrounding properties.

17) Pre-commencement condition: Prior to the commencement of the development hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

Reason for pre-commencement condition: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

18) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) Include a timetable for its implementation; and
- iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: - To ensure the satisfactory drainage of the development.

19) Pre-commencement condition: The development shall not begin until full details of drainage works have been submitted to and approved by the Local Planning Authority in writing.

Reason for pre-commencement condition: To ensure the satisfactory drainage of the development.

20) No more than a maximum of 40 staff/servicing parking spaces shall be provided on the site of the hotel building itself i.e. on the land on the south of Old Rydon Lane, and these spaces shall only be used by staff/servicing vehicles and not at all by hotel guests or visiting members of the public.

Reason: To ensure that highway impacts of the scheme on Old Rydon Lane are limited to staff/servicing related traffic.

21) No part of the development hereby approved shall be brought into its intended use until the footpath (of at least 3m in width) and crossing of Old Rydon Lane located adjacent to the frontage of the building, have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

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

22) Prior to the construction of any bridge over the public highway, a detailed Approval In Principle for the footbridge shall be submitted and approved in writing by the Local Highway Authority (Devon County Council).

Reason: To ensure the integrity of adjacent structures and land.

23) No part of development shall commence until a Car Park Management Plan has been submitted to and agreed in writing by the Local Planning Authority outlining how adequate car parking will be provided for the onsite guests/staff/deliveries/Match Day uses, and be maintained during construction works on site, and once the hotel is open for use.

Reason: To ensure that adequate onsite parking provision is provided for all uses.

24) No part of the development hereby approved shall be commenced until details (including timeframe for delivery) of the access into the staff car park/delivery area have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of permeability and encouragement of the use of sustainable modes of transport.

INFORMATIVES

1) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

2) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

3) With regard to condition 16 further advice on appropriate methodology for this assessment is available from the Council's Environmental Protection Unit (01392 265148). Mitigation measures may include management techniques and controls as well as infrastructure works.

Signed 
City Development Manager

Dated: 26th June 2018

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

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

Appeal

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

To submit an appeal, please go to the Planning Inspectorate website:

<https://www.gov.uk/government/organisations/planning-inspectorate>

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

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

Planning Inspectorate customer support team

0303 444 5000

enquiries@pins.gsi.gov.uk

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

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

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

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

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

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

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

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

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

Purchase Notices

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

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