

PLANNING COMMITTEE

Monday 31 October 2011

Present:-

Councillor Bialyk (Chair)
Councillors Macdonald, P J Brock, Clark, Denham, Mrs Henson, Mrs Morrish, Prowse,
Spackman, Sutton and Winterbottom

Also Present

Director Economy and Development, Head of Planning and Building Control, Head of Legal Services, Development Manager, Planning Solicitor and Member Services Officer (SJS)

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MINUTES

The minutes of the meetings held on 25 July, 5 September and 3 October 2011 were taken as read and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor P.J.Brock	107 (Member of Devon County Council – Highway Authority)
Councillor Macdonald	107 (Sustrans Volunteer Ranger)
Councillor Prowse	107 (Member of Devon County Council – Highway Authority)

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PLANNING APPLICATION NO: 11/1414/03 - MORRISONS SUPERMARKET, PRINCE CHARLES ROAD, EXETER, EX4 7BY

Councillor P.J Brock declared a personal interest as a Member of Devon County Council (Highway Authority).

Councillor Macdonald declared a personal interest as a Sustrans Volunteer Ranger.

Councillor Prowse declared a personal interest as a Member of Devon County Council (Highway Authority).

The Development Manager presented the application for an extension to the store on the north elevation, roundabout and road access, relocation of petrol filling station with car wash and alterations to the car park at Morrisons Supermarket, Prince Charles Road, Exeter.

The Development Manager stated that the proposal comprised three main elements; the replacement of the existing access road into the store from Prince Charles Road with a new four-arm roundabout, one arm of which would lead to a smaller roundabout giving direct access into the store car park, and further access to retained Network Rail land including a replacement vehicular access into the allotments; relocation of the store's petrol filling station from its current position in front of the store to a position at the western end of the site on land that currently forms part of the store car park and former railway sidings, and associated changes to the store's car park layout , increasing the number of spaces from 303 to 399;

and a small extension to the north (front) elevation of the main store building to provide a dry cleaners.

Members were advised that the main objections to the proposal had been from the allotment holders regarding the impact of changing their pedestrian and vehicular access arrangements. A revised plan had been submitted for a vehicle and pedestrian access which would be a fully surfaced five metre wide access. Condition 15 also required an additional pedestrian access to the allotments from Prince Charles Road.

Members were circulated with an update sheet referring to the revised plan for the replacement vehicular access; details of a further letter of objection on behalf of Prince Charles Road Allotment Association; a further report from the applicant's ecologist regarding badger activity; comments from the Head of Environment Health Services and revised wording for condition 16.

The Development Manager advised that two further letters of objection had been received.

The recommendation was to approve the application subject to the conditions as set out in the report and the revised wording for condition 16 as per the update sheet.

In response to Members' questions, the Development Manager stated that it was anticipated that the piece of land to the east of the allotments would be commercial development.

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

- having an allotment was now popular and the Council had a waiting list of residents requiring an allotment
- the proposed changes to the access would affect the allotment holders
- welcomed condition 15 regarding the pedestrian access but that it should be strengthened with the wording 'as close as possible to the eastern edge' after 'provision of a new access'.

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

- had concerns regarding the pedestrian access to the allotments
- supported how officers had dealt with the issue and Councillor Hobden's proposed amendment to condition 15.

Ms Atyeo spoke against the application. She raised the following points:-

- representing Prince Charles Road Allotment Association
- had secured an improved vehicular access
- requested that there should be 1.2 metre access path along the eastern edge of the allotments on the land owned by Network Rail, so that the path would join the allotment site at the same point as the existing entrance and there would be no impact on the current layout of the allotments
- concern regarding obstruction during construction
- should have a separate pedestrian access to the allotments.

In response to Members' questions, Ms Atyeo clarified that the allotments holders became aware of the proposal via the site notice; could the Council as landlord of the allotment land not resist the access?; instead of the proposed access off Prince Charles Road would like a 1.2 metre pedestrian access along the eastern edge of the site on Network Rail land as this would be the most convenient way to access

the allotments; there was also a vehicular and pedestrian access to the allotments at the western end.

During discussion, Members raised the following points:-

- supported the principle of the changes to the road layout and moving of the petrol station
- the issue of a access path of 1.2 metres for the allotments was outside the application site and a land ownership matter and it would be difficult to approve a condition affecting land not in the applicant's ownership
- supported the amendment to condition 15 suggested by Councillor Hobden
- concern regarding the control of adverts along the entrance to Morrisons.

The Development Manager clarified that enforcement action could be taken on any unauthorised advertising and that rights of way would be a matter for the Council's Estates Department.

RESOLVED that the application for an extension to store on north elevation, roundabout and road access, relocation of petrol filling station with car wash and alterations to car park be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C12 - Drainage Details
- 4) C35 - Landscape Scheme
- 5) C38 - Trees - Temporary Fencing
- 6) The proposed roads, footways, footpaths, cycle routes, junctions, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.
- 7) No part of the development hereby approved shall be brought into its intended use until the visibility splays, on-site parking (including cycle parking), turning, loading and unloading facilities have been provided in accordance with the requirements of this permission. Thereafter the said parking facilities shall be retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 8) C70 - Contaminated Land
- 9) Prior to the commencement of the development hereby approved a mitigation scheme incorporating the recommendations set out in the submitted Air Quality Assessment dated June 2011 shall be submitted to and approved in writing by Local Planning Authority. Thereafter the development shall be carried out in accordance the approved mitigation scheme.

Reason: To ensure that the potential impact of the development on air quality in the locality is minimised in the interests of residential amenity.

- 10) Unless otherwise agreed in writing by the Local Planning Authority construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interest of residential amenity.
- 11) Prior to the commencement of any phase of the development hereby approved details of the location and specifications of any proposed site compound, including any constituent buildings, shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.
Reason: To ensure that the location and design of any site compound are acceptable in terms of visual and amenity impact.
- 12) Prior to the commencement of the development hereby approved, and notwithstanding the provisions of condition 4 of this approval, details of the proposed boundary treatment between the new roads and the retained Network Rail land (including the timeframe for its erection) shall be submitted to, and be approved in writing by, the Local Planning Authority.
Reason: To ensure that the Local Planning Authority maintain control over the means of enclosure of this prominent piece of land in the interests of the visual amenity of the locality.
- 13) Prior to the new allotment access shown on drawing no. 09/154/TR/025 Rev A being completed and made available for use no development or works shall take place on the site that shall block or otherwise impede pedestrian and vehicular access across the site between the allotments and the public highway.
Reason: To ensure that unimpeded access is maintained at all times in the interests of the users of the allotments.
- 14) The development hereby approved shall only be carried out in accordance with the recommendations contained in the submitted Ecology Survey dated July 2011. Prior to the commencement of the development a written report specifying how the identified mitigation measures have been implemented shall be submitted to, and be approved in writing by, the Local Planning Authority.
Reason: To ensure appropriate measures are implemented to minimise the ecological impact of the development.
- 15) The development hereby approved shall not commence until such time as a detailed scheme for the provision of a new pedestrian access (as close as possible to the eastern edge of the allotments) into the adjoining allotment site directly from Prince Charles Road, including the timeframe for its delivery, has been submitted to and approved in writing by, the Local Planning Authority. Thereafter, no development or works shall take place on the site that shall block or otherwise impede pedestrian and vehicular access across the site between the allotments and the public highway until such time as the alternative access has been created and made available for use, in accordance with the approved scheme.
Reason: To ensure that an appropriate pedestrian access to the allotments is provided to replace the current access that is being closed as a result of the proposed development.

- 16) Prior to the commencement of the development a scheme containing details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location on the site boundary, shall be submitted to and be approved in writing by the LPA. The predicted noise levels shall be demonstrated by measurement or calculation prior to occupation of the development and thereafter the use of the site shall comply with the approved details at all times.

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

(Report circulated)

108 **PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND
WITHDRAWN APPLICATIONS**

The report of the Head of Planning and Building Control was submitted.

RESOLVED that the report be noted.

(Report circulated)

109 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION
OF PRESS AND PUBLIC**

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 7 of Part I, Schedule 12A of the Act.

110 **ENFORCEMENT PROGRESS REPORT**

The Head of Planning and Building Control presented the report updating Members on enforcement matters.

The Head of Legal Services updated Members on the position with regards to 19 New North Road.

RESOLVED that the report be noted.

(Report circulated)

111 **APPEALS REPORT**

The Head of Planning and Building Control presented the schedule of appeal decisions and appeals lodged.

RESOLVED that the report be noted.

(Report circulated)

112 **SITE INSPECTION PARTY**

RESOLVED that the next Site Inspection Party will be held on Tuesday 22 November 2011 at 9.30 a.m. The Councillors attending will be P. J. Brock, Mrs Henson and Macdonald.

(The meeting commenced at 5.30 pm and closed at 6.42 pm)

Chair