

PLANNING COMMITTEE

Monday 27 July 2015

Present:

Councillor Bialyk (Chair)
Councillors Spackman, Buswell, Choules, Denham, Edwards, Lyons, Prowse, Sutton and Williams

Apologies:

Councillors Newby and Raybould

Also Present:

Assistant Director City Development and Democratic Services Manager (Committees)

Devon County Council Highway Representative – Mr W Pratt

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DECLARATIONS OF INTEREST

In respect of Minute no. 58 Councillor Choules declared an interest as he knew users of the Countess Wear Village Hall.

No declarations of disclosable pecuniary interest were made.

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PLANNING APPLICATION NO. 15/038/03 - PARK AND RIDE, MATFORD PARK ROAD, MARSH BARTON TRADING ESTATE, EXETER

The Assistant Director City Development presented the application for a proposed new workshop, offices, bus wash, fuelling and chassis wash facility for the servicing, maintenance and parking of public service vehicles including change of use (B2, Sui Generis) with pick up and drop off of park and ride passengers.

Members were circulated with an update sheet - attached to minutes.

The recommendation was for approval subject to the conditions as set out in the report and the update sheet.

The majority of Members supported the proposal to relocate the Stagecoach Depot to this Park and Ride site.

RESOLVED that planning permission for a proposed new workshop, offices, bus wash, fuelling and chassis wash facility for the servicing, maintenance and parking of public service vehicles including change of use (B2 Sui Generis) with pick up and drop off of park and ride passengers be **APPROVED** subject to a legal agreement or other arrangement to secure a contribution of £5,000 for the purpose of implementing Road Traffic orders in the vicinity of the site that allow for additional on road parking and subject also to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91-92 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 2 April 2015 (*drg. nos. 1020/ECC/001, 1020/B/002, 1020/B/003.1, 1020/B/004, 1020/B/010, 1020/B/011, 1020/B/012, 1020/B/012.1 and 1020/B/013*) and 16 July 2015 (*dwg. nos. 1020/B/001 rev H and 1020/B/001.1 rev H*), as modified by other conditions of this consent.

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

- 3) Operations of the bus depot shall not cause any change to the ambient LAFeq (15 minute) that would otherwise be present at any time of the day or night in the absence of the bus depot, as measured at the boundary of any dwelling (or other suitable surrogate location). Measurements shall be made in accordance with BS7445:1 (2003).

Reason: In the interests of residential amenity.

- 4) A Construction Environmental Management Plans (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, 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. The plan shall include details of construction access and provisions for access to the Hussey's site to be maintained during construction.

Reason: In the interest of the environment of the site and residential amenity.

- 5) 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 building(s) 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: In the interests of the amenity of the occupants of the building(s) hereby approved.

- 6) No development shall take place within the application site until the means of construction and drainage of the areas of parking and circulation have been agreed in writing by the Local Planning Authority. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that surface water runoff is maintained at the current rate or less.

- 7) The approved development shall only be occupied in accordance with the Travel Plan received on 2 April 2015, or such revised Travel Plan as subsequently approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

- 8) The depot part of the development hereby approved shall not be brought into its intended use until secure cycle parking facilities have been provided in accordance

with the approved plans. Thereafter 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.

- 9) A Car Park Management Plan for the Park and Ride site shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of any part of the development. A review of the impacts of this management plan shall be undertaken within 3 months of occupation of the development and the Car Park Management Plan updated on a quarterly basis thereafter, unless otherwise agreed with the Local Planning Authority.
Reason: To ensure that adequate onsite parking provision is provided.
- 10) Before the development hereby approved is first occupied an emergency plan for the event of flooding shall be prepared.
Reason: In the interests of safety.
- 11) A scheme of measures to reduce energy and water use on site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall subsequently be implemented on site before the development hereby approved is first brought into use.
Reason: In accordance with Exeter Core Strategy Policy CP15 and in the interests of sustainable development.
- 12) 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: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 13) 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.
- 14) Unless otherwise agreed in writing samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and 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.
- 15) Unless otherwise agreed in writing by the Local Planning Authority external lighting shall only be installed and operated in accordance with the details of the Lighting Assessment Report received 2 April 2015.
Reason: In the interests of visual amenity.

- 16) Before development hereby approved is commenced a programme of works shall be submitted to and agreed in writing by the Local Planning Authority which shall maximise the availability of parking at the site during the construction period. Unless otherwise agreed in writing construction works, including highway works, shall only be carried out in accordance with that agreed programme.
Reason: In the interest of sustainable transport.
- 17) No part of the Depot development hereby approved shall be brought into its intended use until the access, on site vehicular and secure cycle parking facilities, cycle access to the Park and Ride and pedestrian facilities have been provided and maintained in accordance with details to be submitted to and approved in writing with the Local Planning Authority, and retained for that purpose at all times
Reason: To provide a safe and suitable access and adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
- 18) No part of the development hereby approved shall be brought into its intended use until a strategy for providing secure cycle parking and ancillary facilities at the Park and Ride, including proposals to accommodate further increases, has been approved in writing with the Local Planning Authority, and implemented in accordance with this strategy.
Reason: To provide a safe and suitable access and adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.

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PLANNING APPLICATION NO. 15/0470/03 - COUNTESS WEAR VILLAGE HALL, 28 SCHOOL LANE, EXETER

Councillor Choules declared an interest as he knows users of the Countess Wear Village Hall.

The Assistant Director City Development presented the application for the demolition of the Countess Wear Village Hall and erection of a new hall with an office and meeting room on the first floor, as replacement for the existing village hall.

The recommendation was for approval subject to the conditions as set out in the report and two additional conditions to cover hours of construction (standard condition) and hours of operation, details be agreed with the Chair of Planning Committee.

Mr Morgan spoke against the application. He raised the following points:-

- the existing hall was low on the horizon and barely noticeable
- this site was not the right location for this large community centre
- the proposed two storey hall was not in keeping with the street scene and would cause overlooking
- would cause parking problems in the surrounding area
- concerns regarding increase in noise emanating from the hall and smells from the use of the kitchen
- the narrow path way to the entrance could cause access issues.

He responded as follows to Members queries:-

- there was presently no noise nuisance in the day but had concerns regarding amplified music and live performances in the evening time, the application should not be determined until the Environmental Assessment has been received.

Mr Davies spoke in support of the application. He raised the following points:-

- the building was a valuable community asset for the City but the present building was no longer a suitable facility
- had followed Planning Officers advice
- the layout with the stage near the road was to enable the building to meet Disability Discrimination Act Regulations; the building was also set lower down than the existing building
- the project met the Council's Strategic Policies C.P 10 and 17
- had not received any complaints to date
- asked the Committee to approve the application.

He responded as follows to Members queries:-

- the capacity of the new building would be approximately 100, about the same capacity as the current building
- did not anticipate that there would be more than a few events each year where hot food would be prepared
- the building was already very well used and did not envisage that the expansion of use would be any more than 10%.

Members supported this application for an improved modern community facility

RESOLVED that planning permission for the demolition of the Countess Wear Village Hall and erection of a new hall with an office on first floor, as replacement for the existing village hall be **APPROVED** subject to the following conditions:-

- 1) C05 - Time Limit – Commencement
- 2) C15 - Compliance with Drawings
- 3) The applicant should submit for review details of the proposed kitchen extraction system, including predicted noise levels and odour abatement equipment
Reason: To protect the residential amenities of adjacent occupiers.
The applicant should be advised that further guidance on the required information is available in annex B of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.
- 4) The applicant shall undertake a noise impact assessment for this application, which shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as noise from deliveries, patrons and events.
Reason: To protect the residential amenities of adjacent occupiers.
- 5) 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.
Reason: To protect the residential amenities of adjacent occupiers.
- 6) Implement agreed noise and odour control works before using the kitchen.
Reason: To protect the residential amenities of adjacent occupiers.
- 7) hours of construction – standard.

8) hours of use details to be agreed with the Chair of Planning Committee.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party be held on Tuesday 25 August 2015 at 9.30 a.m., the Councillors attending will be Lyons, Raybould and Williams.

Additional Information Circulated after Agenda Dispatched - circulated as an appendix

(The meeting commenced at 5.30 pm and closed at 6.32 pm)

Chair

PLANNING COMMITTEE
27 JULY 2015
ADDITIONAL INFORMATION

Correspondence received and matters arising following preparation of the Agenda

Item 5 - Pages 11-12. Ref No: 15/0740/03
Countess Wear Village Hall, 28 School Lane, Exeter

NO FURTHER UPDATE

Item 4 - Pages 5-12. Ref No: 15/0387/03
Park & Ride, Matford Park Road, Exeter

The further Highway Consultation response is given below:

APPLICATION NO: EX/00387/2015

DETAILS OF APPLICATION: Proposed new workshop, offices, bus wash, fuelling and chassis wash facility for the servicing, maintenance and parking of public service vehicles including change of use (B2 Sui Generis). Pick up and drop off of park and ride passengers.

LOCATION: Park & Ride, Matford Park Road, Marsh Barton Trading Estate, Exeter, EX2

Observations:

Essentially, the submitted application is for the relocation of the current city centre bus depot (located on Belgrave Road) to the current Park & Ride overspill/Auction House Parking at Matford Park Road, Exeter. The adjacent Matford Park and Ride will be retained, with the site also used for overnight bus parking.

Following a number of comments provided to the applicant in June, amended plans have been provided. This response is following the receipt of those plans and covers the following main points

- Vehicular impact of proposals
- Access and on site arrangements
- Provision for sustainable transport modes
- Park and Ride capacity and loss of overflow car park

Vehicular Impact

The submitted information indicates that the proposed depot will have 30-35 staff on site at one time, plus drivers. The anticipated breakdown of traffic into and out of the site across the day is provided in Section 4 of the Transport Assessment. Although the submitted numbers which show no trips during the peak hours appear unlikely, it is accepted that the bulk of trips occur at quieter times and overall the traffic impact of the development is not a significant concern.

It is noted that the traffic count data referred to in paragraph 3.7 is a number of years old (2002 and 2005 respectively). Nevertheless, given the limited vehicular impact of the proposal and that traffic flows in the area have been relatively constant over the last 10 years the omission of up to date turning count data is acceptable.

Access and on site arrangements

Access to the site is proposed via a new mini roundabout to the south west of the existing mini roundabout on Matford Park Road and is, in principle, acceptable. The updated plans, illustrated on the Site Plan drawing (1020/B/001 Revision H) have accommodated many of the comments provided on the initial submission and give comfort that a suitable arrangement can be achieved. There are still a number of

points to promote sustainable transport, including

- Dropped kerb Cycle access from Matford Park Road
- Width of onsite footways
- Pedestrian priority over access to disabled spaces

The majority of these are points of detail, and I am confident these can be achieved within the land in question. It is therefore recommended that the final arrangements are secured through condition.

Provision for sustainable transport modes

The Secure Cycle parking facilities indicated on the plans for the Depot and the Park and Ride site are broadly acceptable and should be secured by condition. In addition, the potential for cycle Park and Ride interchange (particularly for new development in the South West Exeter area) is likely to grow considerably over future years and therefore provision for this growth, or an indication of how this will be accommodated, will need to be secured through appropriate condition.

A Travel Plan for the bus depot has been submitted alongside the application. The Travel Plan is acceptable and should be implemented in accordance with the submitted details.

Park and Ride capacity

The existing Matford Park and Ride has 443 spaces, with up to 300 additional spaces provided in the overspill car park. Whilst it is noted that the full theoretical capacity is rarely available (as spaces are sometimes used by the auction house and employees of businesses in Marsh Barton) the submitted proposals will result in a loss of spaces at Matford Park and Ride.

Matford Park and Ride, along with sites at Honiton Road and Sowton, are a pivotal part of the city's transport network providing additional capacity into the city centre and displacing vehicle trips that could not be otherwise accommodated on the road network. These serve an important role throughout the year, especially around Christmas when demand for travel into the city centre is at its highest. In isolation, the loss of Park and Ride spaces is a concern.

The longer term strategy, as set out in the Local Transport Plan and the Exeter Core Strategy, is for an additional Park and Ride to serve the South West of the city. Plans for a new Park and Ride at Ide are currently being consulted on by the County Council, with an indicative timetable for a planning application to be submitted this winter. This additional Park and Ride capacity is essential for accommodating the growth plans earmarked for the Exeter area.

Although identified in relevant plans and policies, there is not yet certainty over the delivery of this site. To allow time for these proposals to be progressed, and ensure that adequate provision is provided in the Park and Ride sites for the upcoming Christmas, it is recommended that works on the depot are not commenced before 4th January 2016.

Following this, and prior to opening of any additional Park and Ride sites, it is vital that to the usage of the 477 Park and Ride spaces is maximised. This can be achieved by ensuring spaces are only used by users of the Park and Ride. The applicants have proposed a number of possible measures to achieve this, and it is noted that it is clearly in their interest to do so. The details of the Car Park management should be agreed prior to any closure of the overspill parking and secured through a condition.

Finally, the overflow parking also serves the auction house and car boot sale on Sundays. The proposed development will reduce the parking provision for this, as a result displacing parking onto adjacent premises and streets. Consequently, I would wish to see the restrictions on Matford Park Road reviewed to ensure this any change in demand can be accommodated. A contribution toward this is therefore requested from the developer.

Summary

In summary, the main period of traffic generation is outside peak hours and the access arrangements can be made acceptable. The reduction in Park and Ride capacity is a significant concern, but proposals for further provision on this side of the city will overcome these concerns. Subject to appropriate conditions, the submitted proposals can be acceptable from a highway view.

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION:-

1. An appropriate agreement to secure a financial contribution in the sum of £5,000.00 towards implementation of Traffic Regulation Orders in the immediate vicinity of the site.
2. No part of the depot development hereby approved shall be commenced until 4th January 2016.
REASON: To ensure adequate Park and Ride capacity is maintained for the 2015 Christmas period.
3. No part of the Depot development hereby approved shall be brought into its intended use until the access, on site vehicular and secure cycle parking facilities, Cycle access to the Park and Ride and pedestrian facilities have been provided and maintained in accordance with details to be submitted to and approved in writing with the Local Planning Authority, and retained for that purpose at all times
REASON: To provide a safe and suitable access and adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
4. No part of the development hereby approved shall be brought into its intended use until a strategy for providing secure cycle parking and ancillary facilities at the Park and Ride, including proposals to accommodate further increases, has been approved in writing with the Local Planning Authority, and implemented in accordance with this strategy.
REASON: To provide a safe and suitable access and adequate facilities to promote the use of sustainable modes, in accordance with Section 4 of the NPPF.
5. A Car Park Management Plan for the Park and Ride site shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of any part of the development. A review of the impacts of this management plan shall be undertaken within 3 months of occupation of the development and the Car Park Management Plan updated on a quarterly basis thereafter, unless otherwise agreed with the Local Planning Authority.
REASON: To ensure that adequate onsite parking provision is provided.
6. At the commencement of use of the development the Travel Plan shall be implemented in accordance with the terms and details approved by the Local Planning Authority.
REASON: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 36 of the NPPF.

OFFICER RESPONSE:

The update regarding the proposal for an additional Park and Ride to serve this side of the city is welcomed.

It is understood that the review and implementation of Traffic Regulation Orders (TROs) requested in point 1 above is in the interest of relaxing TRO's on highways in the area so as to accommodate more on street parking to compensate for reduction in spaces from the occasional overflow parking. This would need to be secured through a legal agreement which could take the form of a unilateral undertaking made by the applicant. The recommendation is therefore varied as to include a requirement for a contribution of £5000 being secured for the purposes of implementation of Road Traffic Orders in the vicinity of the site that allow for additional on road parking.

The applicant has indicated that the Park and Ride car park area could be maintained to be available up to 4th January 2016, however the overflow area could not be maintained for parking without very significant detrimental impact on the construction programme. The proposed development includes works for provision of a new access that would necessarily involve the closure of access to the Park and Ride site. This too could be timed not to coincide with the December Christmas Shopping period of maximum demand. Whilst the suggested condition 2 is not recommended, an alternative additional condition as set out below is recommended:

Condition 16. Before development hereby approved is commenced a programme of works shall be submitted to and agreed in writing by the Local Planning Authority which shall maximise the availability of parking at the site during the construction period. Unless otherwise agreed in writing construction works, including highway works, shall only be carried out in accordance with that agreed programme. Reason: In the interest of sustainable transport.

Condition 3 as suggested above should be added to the recommendation as Condition 17.

Condition 4 as suggested above should be added to the recommendation as Condition 18. Condition 8 attached to the agenda should be amended to refer to the Depot only rather than the development as a whole.

The wording of suggested condition 5 above shall replace that of condition 9 attached to the agenda report.

The aims of suggested condition 6 are considered to be covered by condition 7 attached to the the agenda report.