

PLANNING COMMITTEE

Monday 23 May 2011

Present:-

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

Also Present

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

49

DECLARATIONS OF INTEREST

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor P.J.Brock	50 (Member of Devon County Council)
Councillor Prowse	50 (Member of Devon County Council) 51 (Student landlord)

50

PLANNING APPLICATION NO.11/0317/03 - LAND OFF CUMBERLAND WAY, EXETER

Councillor P J Brock declared a personal interest as a member of Devon County Council.

Councillor Prowse declared a personal interest as a member of Devon County Council.

The Head of Planning and Building Control presented the application for a centre for engineering and automotive studies with vehicle access, landscaping and associated works at land off Cumberland Way, Exeter.

Members were advised that the application was for a Centre which would accommodate all of the facilities necessary for the delivery of engineering and automotive courses taught by Exeter College. The proposal sought to amalgamate the motor vehicle centre at Marsh Barton Trading Estate and the engineering school at Queen Street into one bespoke vocational college building. The new centre would accommodate up to 40 staff and 300 equivalent full time students.

The development proposals would provide a workshop and teaching space, a learning centre, social areas, a café, IT facilities and a main reception area with 60 cycle spaces, motor cycle parking and 53 car parking spaces. The materials to be used would be a mixture of light and dark grey cladding with a public-fronting west elevation incorporating a feature curved entrance with a mix of glazed curtain walling and smooth red coloured metal cladding panels.

The Head of Planning and Building Control stated that the comments from the Police Architectural Liaison Officer had been received and the comments would be covered by the proposed conditions.

The recommendation was to approve the application subject to a Section 106 legal agreement to secure alterations to the adopted highway; support for sustainable transport measures (bus services, real time bus information, high quality bus stops, shelters and seating) and support for the district heating system for Monkerton and conditions as set out in the report.

Mr Hunt (agent) spoke in support of the application. He raised the following points:-

- was the consultant representing the college
- Exeter College was committed to providing high quality education
- the proposal would provide a state of the art teaching facility
- would provide 60 cycle parking spaces and contribute monies towards new bus stops
- committed to sustainability through the monies in the Section 106 for the district heating system
- the residents in Rock Gardens had not objected
- the application had been supported by Environment Agency, Highway Agency and Devon County Council
- site was allocated in the Monkerton Master Plan for education
- would be an asset for the City and asked the Committee to support the application.

A Member raised concerns regarding noise levels and the hours of operation particular if the doors to the workshops were left open.

The Head of Planning and Building Control stated that the Head of Environmental Health Services had not objected to the proposal and noise levels were covered by condition 8. The workshop doors were on the south side of the buildings facing away from any residential areas.

RESOLVED that that the application for a centre for engineering and automotive studies with vehicle access, landscaping and associated works be **approved** subject to a Section 106 legal agreement to secure alterations to the adopted highway; support for sustainable transport measures (bus services, real time bus information, high quality bus stops, shelters and seating) and support for the district heating system for Monkerton and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C36 - No Trees to be Felled
- 6) C37 - Replacement Planting
- 7) C38 - Trees - Temporary Fencing
- 8) The level of noise emitted from the site shall not exceed 40dB between 0800 and 2100 Monday to Saturday and shall not exceed 35dB between 2100 and 0800 Monday to Saturday and anytime on Sunday, at the nearest residential receiver (being the semi detached properties, adjacent to the site, on Pinn Lane). The level shall be measured as a rating noise level in accordance with BS4142:1997, or calculated as such from a level measured

at the site boundary. The occupier shall demonstrate compliance with this level if requested by the LPA.

Reason: In the interests of local amenity.

- 9) Construction/demolition 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 interests of local amenity.
- 10) The development shall achieve as a maximum the light spill levels specified in the lighting assessment submitted with the application.
Reason: In the interests of local amenity.
- 11) A comprehensive Travel Plan will be implemented for the development hereby permitted. The Travel Plan shall be submitted and approved in writing by the Local Planning Authority (who shall both consult with the Local Highway Authority and Highways Agency acting on behalf of the Secretary of State for Transport), in advance of occupation of the development. The Travel Plan will need to be prepared in line with prevailing policy and shall include as a minimum:
- The identification of targets for trip reduction and modal shift
 - The methods to be employed to meet these targets
 - The mechanisms for monitoring and review
 - The mechanisms for reporting
 - The penalties to be applied in the event that targets are not met
 - The mechanisms for mitigation
 - Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter
 - Mechanisms to secure variations to the Travel Plan following monitoring and reviews
- A review of the targets shall be undertaken within 6 months of the occupation of the development and on an annual basis thereafter, at the time of submission of the Annual Travel Plan Report.
Reason: In order that the development promotes public transport, walking and cycling, and limits reliance on the private car.
- 12) The proposed roads, footways, footpaths, 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 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.
- 13) Prior to occupation of the development hereby permitted, covered and secure cycle parking, lockers, showers and changing facilities shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. All such facilities shall be maintained thereafter.
Reason: to ensure that cycle parking and other facilities for cyclists are provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

- 14) No development shall take place until a Wildlife Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the requirements of the Wildlife Management Plan shall be implemented by the applicant.

Reason: In the interests of preserving and enhancing wildlife opportunities in the area.

In the event that the Section 106 agreement is not completed by 26 May 2011, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 agreement.

(Report circulated)

51

**VARIATION OF CONDITION NO.11/0240/03 - BISHOP BLACKALL ANNEXE,
PENNSYLVANIA ROAD, EXETER, EX4 6BP**

Councillor Prowse declared a personal interest as a student landlord.

The Development Manager presented the application for a variation of condition two to approve amended drawings to lower the mezzanine floor and to vary the appearance of roof lights in the west wing (Ref No. 10/0631/03 granted 26 July 2010) at Bishop Blackall Annexe, Pennsylvania Road, Exeter.

Members were circulated with an update sheet stating that the Planning Solicitor had advised that all conditions imposed on the original planning permission 10/0631/03 should be repeated on this consent, and modified to take account of the revisions to the scheme. Members were also advised that condition 1 should be amended so that the permission should be started no later than 3 years from 26 July 2010, the date of the original planning permission. The conditions were listed on the update sheet.

The recommendation was to approve the application subject to the conditions as set out on the circulated update sheet and subject also to an amendment to condition one that the start date should be within three years from 26 July 2010.

RESOLVED that the application for variation of condition two to approve amended drawings to lower the mezzanine floor and to vary the appearance of roof lights in the west wing (Ref No. 10/0631/03 granted 26 July 2010) be approved subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years from 26 July 2010.
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 26 April 2010 (dwg. no(s). 292-PL-SITE-1102, 292-PL-GA-1115, 1116, 1117, 1101, 1106 & 1107) and 18 June 2010 (dwg. nos. 292-PL-SITE-1101A, 292-PL-GA-1102A, 1103A, 1104A, 1105A, 1110A, 1111A, 1112A, 1113A, 1114A & 1120A), as modified by details received by the Local Planning Authority on 10 February 2011 (dwg. nos. 292-PL-AA-1121 1123 & 1124) and 4 May 2011 (dwg. no. 292-PL-AA-1122A) and by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

- 3) 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.
- 4) 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.
- 5) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of 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.
- 6) 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.
- 7) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.
Reason: To ensure the protection of the trees during the carrying out of the development.
- 8) Construction/demolition 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 interests of local amenity.

- 9) Unless otherwise agreed in writing, prior to commencement of the development, details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, shall be submitted to and approved in writing by the Local Planning Authority. The predicted noise levels shall be demonstrated by measurement prior to occupation of the development.
Reason: In the interests of local amenity.
- 10) No material shall be burnt on site during the construction works.
Reason: In the interests of local amenity.
- 11) No development shall take place within the site until a written scheme of archaeological work has been submitted 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. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
- 12) Within one month of the date of this permission, vertical centre bars shall be added to the roof lights as shown on the approved drawings.
Reason: In accordance with the terms of the application, and in the interests of the character and appearance of this locally listed building situated within Longbrook Conservation Area.

(Report circulated)

52 **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)

53 **ENFORCEMENT PROGRESS REPORT**

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

RESOLVED that the report be noted.

(Report circulated)

54 **APPEALS REPORT**

The Head of Planning and Building Control presented the report updating Members on the appeal decisions and appeals lodged.

RESOLVED that the report be noted.

(Report circulated)

55

PLANNING MEMBER WORKING GROUP - SCHEDULE OF DATES

The report of the Assistant Chief Executive was submitted.

RESOLVED that the circulated rota of dates for Planning Member Working Group meetings be approved.

(Schedule circulated)

56

AREA WORKING PARTIES - COMPOSITION AND SCHEDULE OF DATES

The report of the Assistant Chief Executive was submitted.

The Head of Planning and Building Control advised Members of the importance of nominating a substitute if they could not attend a meeting of the Area Working Party. The substitute must be from those on the Committee.

RESOLVED that the dates, as circulated, and the composition of the Area Working Parties as set out below be approved:-

Northern Area Working Party:-

Councillors Denham, Edwards, Macdonald and Prowse

Southern Area Working Party:-

Councillors Mrs Morrish, Mrs Henson, Newby and Spackman

Western Area Working Party:-

Councillors Bialyk, Brock P.J., Clark, Sutton and Winterbottom

(Schedule circulated)

57

SITE INSPECTIONS - ROTA FOR VISITS

The report of the Assistant Chief Executive was submitted.

RESOLVED that the circulated rota of site inspections, be approved.

(Schedule circulated)

58

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 14 June 2011 at 9.30 a.m. The Councillors attending will be Brock P.J, Macdonald and Prowse.

(The meeting commenced at 5.30 pm and closed at 6.15 pm)

Chair