

**EXETER CITY COUNCIL****EXECUTIVE  
3 JULY 2012****LAND AT PINBROOK ROAD, EXETER  
CIVIC AMENITY SITE****1.0 PURPOSE OF REPORT**

- 1.1 To consider a request from Devon County Council to vary the terms of the change of use consent covering the new Civic Amenity Centre in Pinbrook Road to extend the hours of operation for a trial period.

**2.0 BACKGROUND**

- 2.1 At its meeting on 7 April 2009, Executive resolved to grant a licence for a change of use of the former transport depot site at Pinbrook Road to be converted into a Civic Amenity Centre . This consent was conditional on the satisfactory performance of a range of mitigating measures. One of these concerned operational hours such that the site was only to be open to the public on a Sunday from 10am to 4pm. It granted delegated authority to the Head of Estates Services in consultation with the Portfolio Holder Economy & Tourism and the Head of Environmental Health Services to deal with any subsequent application from Devon County Council regarding a change in the opening hours beyond 4pm on Sundays, provided that it was in accord with the planning consent that had been granted for the site. This planning consent permitted Sunday operation until 5pm during the summer (April to September) and until 4.30pm in the winter (October to March).

**3.0 CONSIDERATIONS**

- 3.1 The site started operations on 21 June 2011 and has therefore now been in operation for over a year. The proposal is to extend opening hours on a Sunday on a trial basis until 6pm during April to September, with winter closing remaining at 4.30pm. Devon County Council, as the waste planning authority, has agreed to permit a temporary trial extension to the consented opening hours with a review of this temporary arrangement at the end of September 2012. They advise that should they receive significant complaints regarding this extension of hours, they reserve the right to withdraw and/or review the temporary extension to opening hours. A further request for planning consent to the extended opening hours must be made by 28 February 2013.
- 3.2 Devon County Council are now seeking the City Council's consent as landlord to permit a temporary extension of the Sunday operating hours to accord with this trial period. Since this is different to the hours of operation permitted by the original planning consent the matter cannot properly be dealt with under the delegated power referred to in paragraph 2.1 above. It is therefore necessary for this request to be considered by Executive.

- 3.3 Devon County Council advise that the waste planning authority consulted 38 local residents (those who responded to the original consultation regarding planning permission for the site). They advise that one letter of support has been received with no objections. Devon County Council have also consulted the Pinbrook Road Recycling Centre Liaison Group and we are advised that there were no substantive objections raised. The City Council's Environmental Health Unit advise that they have received no complaints from residents regarding noise generated by the operation of the site and that they have therefore no objections to the proposed change to this site's opening hours. Local City Council and County Council Members have also not raised any objections.

#### **4.0 RESOURCE IMPLICATIONS**

- 4.1 There are no resource implications.

#### **5.0 CONCLUSION**

- 5.1 In the light of the fact that no opposition to the proposed trial extension of Sunday opening hours has been submitted to the waste planning authority or to the City Council as landlord, it would seem appropriate that the City Council, as landlord of the Civic Amenity Centre , extend its consent for Sunday opening hours until 6pm during the summer months. This can be reviewed at the end of the trial period and, should there be no objections raised at that time, it could then be formalised as a permanent variation to the lease conditions.

#### **6.0 RECOMMENDATION**

- (i) that the Property Manager be authorised to agree an extension of the Sunday opening hours of the Pinbrook Road Civic Amenity Centre until 6pm until the end of September 2012; and
- (ii) that should there be no significant concerns raised during this period of operation, that the Property Manager be authorised to agree a permanent extension of operating hours on Sundays thereafter.

**RICHARD BALL**  
**ASSISTANT DIRECTOR ECONOMY**

**Local Government (Access to Information) Act 1972 (as amended)**

***Background papers used in compiling this report:-***

None