

EXETER CITY COUNCIL

EXECUTIVE

7 APRIL 2009

LAND AT PINBROOK ROAD, EXETER NEW CIVIC AMENITY SITE

1.0 PURPOSE OF REPORT

- 1.1 To update Members on progress regarding the lease variations and consents and the land disposal associated with the proposed siting of a new recycling facility on the site of the former Devon County Council Highways Depot in Pinbrook Road.

2.0 BACKGROUND

- 2.1 At its meeting of 25 November 2008 Executive was advised that, with regard to the demolition and alterations proposals, the City Council as Landlord was not legally able to unreasonably withhold or delay granting consent under the terms of the lease and that there were no reasonable grounds to withhold consent in this case. However, Executive was advised that the lease terms were such that the City Council was able to impose stronger conditions on its consent as landlord to the change of use and on certain other proposed lease variations intended to facilitate use of the site as a recycling centre and that such conditions could include the provision of mitigation measures by the County Council to limit the impact of the proposed use. Executive therefore resolved that the lease variations and consents rehearsed in the report be approved, subject to licence and to the County Council delivering the package of mitigation measures set out in the report.
- 2.2 The Head of Estates Services has proceeded to seek implementation of this resolution on the basis that the consent and lease variations sought for the change of use are subject to the mitigation measures being provided by the County Council, but that the consents sought for other matters, including demolition and alterations to the site, are not subject to the provision of the mitigation measures, as such consents cannot unreasonably be withheld or delayed as set out in the November 2008 report to Executive.
- 2.3 The Head of Estates Services was also authorised to agree terms for the disposal of a small sliver of land at the end of Stratford Avenue to facilitate the construction of an acoustic barrier along part of Exhibition Way.

3.0 UPDATE

- 3.1 City Council and County Council officers have been working on the agreement of the licences and the mitigating measures. An early approval was given for the demolition of the redundant depot buildings on the site to reduce the impact of dereliction and the new empty business rates regime and in fact the buildings have now been demolished. However, the licence for alterations for the new buildings has been put to one side until such time as the change of use itself has been agreed.

3.2 The change of use consent is conditional on satisfactory performance of a range of mitigating measures which are rehearsed below with some commentary on how each one is being addressed: -

(i) Revised traffic assessment:

A revised traffic assessment has been submitted to, and approved by, the County Council as Planning Authority.

(ii) Closure of Summerway to vehicular traffic:

The County Council has submitted a draft Traffic Order to facilitate a road closure to HATOC, which is scheduled to consider the proposal at its meeting on 2 April 2009. A verbal report on the outcome of this meeting will be given to Executive. If the closure is approved, we would expect the road closure to be in place before the change of use took effect (i.e. before the facility became operational). If, however, the road closure is not approved, the City Council will have to consider whether alternative traffic calming measures are adequate to mitigate the impact of the recycling centre scheme. Members will be aware that the County Council have secured a planning consent conditional upon their using best endeavours to secure the closure of Summerway. In the event of this being unsuccessful, they are required by virtue of a unilateral undertaking given under that planning consent to fund traffic calming and additional road signage along Summerway. A plan of these works has been submitted to the City Council and has been reviewed by the Director of Economy and Development whose view is that such a scheme would be satisfactory. If HATOC decide to refuse the application for the closure of Summerway, Members will need to decide whether this alternative scheme for traffic calming of adjacent roads is acceptable to the City Council as landlord of the Pinbrook site.

(iii) Site Construction Management Plan:

Devon County Council will submit the plan to the City Council for approval prior to the commencement of the construction of the new buildings.

(iv) Site Management Scheme:

Devon County Council will submit this scheme to the City Council for approval, once the Environment Agency has issued the appropriate Environmental Permit to operate the site.

(v) Junction Protection Scheme:

Devon County Council will submit details to the City Council for approval and have undertaken that the scheme will be in place before the centre becomes operational.

(vi) Acoustic Barrier:

Devon County Council has submitted a revised plan for the proposed acoustic barrier to the City Council for approval. It is felt that the new design is acceptable and we will require it to be in place before the site becomes operational.

(vii) Landscaping Scheme along the Barrier:

Devon County Council has submitted a landscaping/planting scheme to the City Council for approval. Subject to final agreement regarding species, the proposal is acceptable and we will require it to be in place (where appropriate as to planting season) before the site becomes operational.

- 5.2 That the position regarding the delay in granting the consent for alterations be noted;
- 5.3 That consent for the change of use and the lease variations associated with that use be granted by licence, such licence to be conditional upon approval of any outstanding mitigation measures by the Head of Estates Services in accordance with paragraph 3.2 above;
- 5.4 That the following mitigation measures as described in this report be approved: the scheme for traffic calming and signage in Summerway (should the road closure order be refused), the acoustic barrier and associated planting, the opening hours (subject to paragraph 5.5 below) and the proposals for the netting of vehicles, subject to any amendments to these measures being approved by the Head of Estates Services; and
- 5.5 That delegated authority to deal with any subsequent application regarding a change in the opening hours beyond 4pm on Sundays and to accord with the hours approved under the planning consent be given to the Head of Estates Services in consultation with the Head of Environmental Health Services in accordance with paragraph 3.2 (ix).

David Prosser
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Economy and Development Directorate

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

Background papers used in compiling this report:-

None