

PLANNING COMMITTEE

Monday 8 December 2008

Present:-

Councillor Mrs Henson (Chair)
Councillors D J Morrish, P J Brock, Choules, Edwards, Mitchell, Newby, Newton, Shepherd, Shiel, Taghdissian and Wadham

Also Present

Head of Planning Services, Planning Solicitor, Development Control Manager, Planning Technician (ID) and Member Services Officer (SJS)

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DECLARATIONS OF INTEREST

Members declared the following personal (*prejudicial) interests:-

COUNCILLOR	MINUTE
Councillor Mitchell	280 (employee of the Royal Devon and Exeter NHS Foundation Trust) 286 (Barrack Road - employee of the Royal Devon and Exeter NHS Foundation Trust)
Councillor D J Morrish	285 (12 Birchy Barton Hill - lives in the vicinity)
Councillor Shiel	279*(lives in the vicinity and the tree affected his immediate environment)
Councillor Taghdissian	285 (44 Manston Road - lives in the vicinity)

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PLANNING APPLICATION NO.08/1666/03 – LAND ADJACENT SANDY PARK FARM, OLD RYDON LANE, EXETER

The Development Control Manager presented the planning application for a Health and Fitness centre with internal and external facilities including tennis, health and fitness, multi-sports, swimming, club room, crèche, car parking and associated works at land adjacent to Sandy Park Farm, Old Rydon Lane, Exeter.

There were two previous approvals for a Sports/Tennis Centre on this land and the site had been levelled and prepared for construction. This application was for a revised scheme comprising a smaller two storey building with a total floor area of 6,643 square metres, with 256 parking spaces which included ten disabled spaces. The hard landscaping would be conditioned to ensure it was the same quality as the Rugby Stadium landscaping.

Members were circulated with an update sheet giving details of the County Director of Environment, Economy and Culture, the Environment Agency and the Head of Environmental Health Services consultation responses. Revised plans had been received to address concerns, and amendments to conditions and additional conditions were proposed.

The revised plans received also showed the height of the proposed building relative to the existing stadium and incorporated the relocation of the plant room previously sited opposite the end of the footbridge over the A379 to a less conspicuous location. This was considered a significant improvement in terms of the visual

impact and overcame the concerns in this respect that had been identified in the original circulated report. The applicant had been advised that the air support dome was considered unacceptable and the applicant had subsequently withdrawn this element of the scheme.

The recommendation was for approval subject to amendments to conditions and additional conditions as per the circulated update sheet.

During discussion, Members raised concerns regarding the dangers of the access on to the A379, as cars filter out on to a fast moving dual carriageway and that the car park should not be used by people attending rugby matches.

The Development Control Manager informed Members that when the A379 was linked to Topsham Road that stretch of the A379 was likely to be reduced to a 40 miles per hour speed limit. A planning condition would be applied regarding control of the car park to ensure that it would not be used by visitors to the stadium.

RESOLVED that planning permission for a Health and Fitness centre with internal and external facilities including tennis, health and fitness, multi-sports, swimming, club room and crèche, car parking and associated works be approved, subject to the following conditions:

- 1) C05 - Time Limit – Commencement
- 2) C15 - Compliance with Drawings
- 3) C12 - Drainage Details
- 4) C17 - Submission of Materials
- 5) C35 - Landscape Scheme
- 6) H02 - Highways - Provision parking, etc
- 7) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the building, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.
Reason: In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.
- 8) Prior to the commencement of the development hereby approved details of all external plant and machinery associated with the proposal, including sound power levels, shall be submitted to, and be approved in writing by, the Local Planning Authority.
Reason: To ensure that the details of the scheme are acceptable in the interests of residential amenity.
- 9) Prior to the commencement of the development the following details shall be submitted to, and be approved in writing by, the Local Planning Authority: -
 - a) the hours operation of the Tennis Centre complex and outdoor facilities,
 - b) details of the type, height and hours of operation of the floodlights to the external courts and 5-a-side pitches,
 - c) details of the type of lighting to the parking areas and their hours of operation,
 - d) details of fencing/boundary treatments; and
 - e) details of the design of the proposed cycle parking.

Reason: In the interests of residential and visual amenity in the locality.

- 10) Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall only be used for activities falling within Use Class D2 (e) of The Town and Country Planning (Use Classes) Order 1978 (as amended), and not for any public performances of musical events.
Reason: To maintain control over the use of the premises in the interests of the residential amenities of nearby properties
- 11) 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 interests of the amenity of occupants of nearby buildings.
- 12) Prior to the commencement of the development, an assessment of the impact of all external lighting associated with the development shall be submitted to, and be approved in writing by, the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter, the lighting shall be installed and maintained in accordance with the findings of the lighting assessment and details approved pursuant to Condition 9(c).
Reason: In the interests of the amenities of the occupants of surrounding properties.
- 13) Prior to the commencement of the development, a Green Travel Plan shall be submitted to, and be approved in writing by, the Local Planning Authority (in consultation with the County Council). Thereafter, the development shall be carried out in accordance with the provisions of the agreed Green Travel Plan.
Reason: In the interests of minimising the use of the private motor vehicle and encouraging the use of sustainable modes of transport.
- 14) No development shall take place until details of the kitchen extraction system, including odour abatement equipment, have been submitted to and approved in writing by the Local Planning Authority. Mechanical extract ventilation should be provided with a high level discharge point. The mechanical extraction equipment should meet requirements set out in DEFRA guidance for odour and noise from commercial kitchens.
Reason: In the interests of residential amenity.
- (15) No part of the development hereby approved shall be brought into its intended use until the site access and parking facilities, together with a system to control and to restrict the on-site parking to staff, members and visitors to the Club, has been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the parking facilities and access control system shall be permanently maintained and retained solely for the approved purpose unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site and that the on-site parking is limited as ancillary to the use of the Club.
- (16) Notwithstanding condition 2, the air support dome indicated on the submitted drawings is not hereby approved.

Reason: This element of the scheme is considered unacceptable in terms of its visual impact and has been withdrawn from consideration by the applicant.

- (17) Prior to the commencement of the development hereby approved, a Flood Risk Assessment (incorporating the proposed drainage strategy to serve the development) shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure that the drainage implications of the development are appropriately assessed and dealt with.

- (18) No development shall take place on site until a full survey of the site has taken place to determine the extent of 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 the site is in such a condition as to be suitable for the proposed use.

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

(Report circulated)

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TREE PRESERVATION ORDER NO. TPO 585 - 8 ST LEONARDS ROAD, EXETER

Councillor Shiel declared a personal and prejudicial interest as he lives in the vicinity and the tree affected his immediate environment. He left the meeting during consideration of the item.

The Head of Planning Services presented the report which gave details of objections that had been received by the Council to Exeter City Council Tree Preservation Order No. 585 at 8 St Leonards Road, Exeter. This item had been on the agenda of the two previous Planning Committees but had been deferred. The report had been updated and Members could ignore previous reports.

Members were circulated with an update sheet giving details of comments from the property owner and the Council's response.

The Head of Planning Services informed Members that the principal purpose of the Tree Preservation Order legislation was to protect trees with amenity value and that Members should focus on the amenity of the tree. He outlined to Members the various costs involved in replacing the wall and while the costs of various options were relevant, they should be given less weight in any decision.

Ms Mieklejohn spoke in support of the Tree Preservation Order. She raised the following points:-

- did not live in the area, but had walked past the tree for many years on her way to work
- the tree was not dangerous
- the wall affected by the tree was not a historic wall
- the wall could be replaced by railings or a fence
- the tree was over 150 years old
- did not overpower the house or garden

- formed a pleasing canopy with the tree opposite
- Yew trees were in keeping with the local environment
- would be detrimental to the conservation area if the tree was removed
- was a matter of principle to protect trees.

Ms Hicken spoke against the Tree Preservation Order. She raised the following points:-

- the tree had outgrown its space
- other trees had been removed in the area, a tree in Spicer road, a Beech tree at 12 St Leonards Road and a Cherry tree at 9 St Leonards Road; this had set a precedent
- the tree was causing damage to the neighbouring property's boundary wall for which she would be liable
- only one person, who did not live in the area, supported the Tree Preservation Order.

In answer to Members' questions, Ms Hicken clarified that the Yew Tree was behind the wall and its roots were threatening the wall; she had purchased the property two and half years ago and the survey revealed only subsidence to the wall, since then cracks had appeared in the wall pushing it outwards.

Some Members felt that the Tree Preservation Order should be confirmed as the tree was healthy, was causing no damage to the adjacent road and pavement and it made a positive contribution to the street scene. Other Members had concerns that a precedent had already been created by the felling of other trees in the area.

The Head of Planning Services stated that he had visited the site with the Council's Engineering Manager and that they could find no signs that the tree's roots were causing damage to the road and pavement and that the wall was not dangerous. He confirmed that the Tree Preservation Order would not prevent an application to undertake works to the tree and its roots.

RESOLVED that the Order be confirmed without modification.

(Report circulated)

280 **TREE PRESERVATION ORDER NO. TPO 590 - FORMER RD&E HOSPITAL (HEAVITREE), GLADSTONE ROAD**

Councillor Mitchell declared a personal interest as an employee of the Royal Devon and Exeter NHS Foundation Trust.

The report of the Head of Planning Services was submitted giving details of objections that had been received by the Council to Exeter City Council Tree Preservation Order No. 590, former RD&E Hospital (Heavitree) Gladstone Road, Exeter.

RESOLVED that the Order be confirmed without modification.

(Report circulated)

281 **TREE PRESERVATION ORDER NO. TPO 593 - LAND ADJACENT KEW COURT, PYNES HILL**

The report of the Head of Planning Services was submitted giving details of objections that had been received by the Council to Exeter City Council Tree Preservation Order No. 593, land adjacent to Kew Court, Pynes Hill, Exeter.

RESOLVED that the Order be confirmed without modification.

(Report circulated)

282 **LOCAL DEVELOPMENT FRAMEWORK - ANNUAL MONITORING REPORT**

The Head of Planning Services presented the report to consider the content of the Local Development Framework Annual Monitoring Report and progress in plan preparation. He outlined to Members the main conclusions of the Local Development Scheme and Monitoring Results.

During discussion, Members raised questions regarding the increase and nature of noise complaints, the need to set cycling targets and how cycling statistics were collected.

The Head of Planning Services informed Members that the increase in noise complaints was partly due to improved methods of reporting and recording data; with regards to cycling statistics, there were targets that were set in the Cycling Demonstration Town project and Devon County Council undertook a travel to work tally, cycle to work project and surveys within schools.

RESOLVED that the Annual Monitoring Report 2008 be approved for submission to the Secretary of State.

(Report circulated)

283 **PROTOCOL FOR DEVELOPERS AND MEMBERS REGARDING PRESENTATIONS FOR MAJOR APPLICATIONS**

The Development Control Manager presented the report for the introduction of a Protocol for Members to participate in developer pre-application presentations for Major Applications.

During discussion, some Members felt that the presentations should be open to the public as this would remove public suspicion that the applications were agreed before they went to Planning Committee.

The Development Control Manager informed Members that the protocol would be on a trial period of twelve months.

RESOLVED that the Protocol as set out in the circulated appendix be agreed as a basis for the conduct of developer presentations to Planning Member Working Group.

(Report circulated)

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

The report of the Head of Planning Services was submitted.

RESOLVED that the report be noted.

(Report circulated)

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ENFORCEMENT PROGRESS REPORT

Councillor D J Morrish declared a personal interest in respect of the reference to Birchy Barton Hill as he lives in the vicinity.

Councillor Taghdissian declared a personal interest in respect of the reference to 44 Manston Road as he lives in the vicinity.

The Head of Planning Services presented the report updating Members on enforcement matters.

RESOLVED that the report be noted.

(Report circulated)

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APPEALS REPORT

Councillor Mitchell declared a personal interest in respect of the reference to Barrack Road as an employee of the Royal Devon and Exeter NHS Foundation Trust.

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 6 January 2009 at 10.00 a.m. The Councillors attending will be Edwards, Mrs Henson and Newton.

(The meeting commenced at 5.30 pm and closed at 7.12 pm)

Chair