



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 23 JULY 2019**, at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To approve and sign the minutes of the Ordinary Meeting held on 16 April 2019 and of the Annual Meeting held on 14 May 2019.	5 - 20
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 15 April 2019	21 - 48
4 Planning Committee - 24 June 2019	49 - 54
5 Licensing Committee - 28 May 2019	55 - 56
6 People Scrutiny Committee - 6 June 2019	57 - 60
7 People Scrutiny Committee - Special - 26 June 2019	61 - 64
8 Place Scrutiny Committee - 13 June 2019	65 - 80
9 Place Scrutiny Committee - Special - 18 June 2019	81 - 126
10 Place Scrutiny Committee - Special - 25 June 2019	127 - 134
11 Corporate Services Committee - 27 June 2019	135 - 142
12 Executive - 11 June 2019	143 - 148
13 Executive - 9 July 2019 - To follow	

### Notice of Motion

- 14 Notice of Motion by Councillor D Moore Under Standing Order No 6  
Community Infrastructure levy for Purpose Built Student Accommodation

Council welcomes the review of its current Student Accommodation policy for the city.

Council notes the purpose of the Community Infrastructure Levy (CIL) is expected to "Have a positive economic effect on development across a local plan area." The current CIL charging statement was adopted for Exeter on 15<sup>th</sup> October 2013.

Office of Corporate Manager Democratic & Civic Support

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The rapid construction since this date of Purpose Built Student Blocks (PBSB's), particularly in the city centre wards has already brought forward a 8,017 bed spaces and 2,802 are currently in construction.

That while developers have enjoyed a discount on the CIL levy compared to housebuilders, a significant number of the PBSB's have been priced and marketed as 'luxury' accommodation. These are not affordable to many students nor do they help achieve the Council's goal of encouraging students to take advantage of this accommodation rather than in Houses of Multiple Occupation.

Council therefore resolves:

1. The CIL charging schedule rate for Purpose Built Student Housing no longer serves a useful purpose and has a disproportionate affect on the city centre wards of the local plan area
2. To bring forward a new charging schedule as soon as possible to replace the current schedule.
3. A new charging schedule will no longer apply a lower charging rate of CIL to purpose built student housing compared to residential charging. However, a relief may be applied where affordable student accommodation is to be provided (to be defined in the new schedule).
4. That until such time a new Charging Schedule is adopted by the Authority Section 106 Agreements are put in place on PBSB's to make such developments acceptable in planning terms. These agreements must include specific benefits for the local community, and may be up to the equivalent to the CIL levy contribution for an equivalent sized residential development.

15 Notice of Motion by Councillor J Moore Under Standing Order No 6

Exeter City Council notes that:

1. The decision to sell the green space at Clifton Hill, close the Clifton Hill Sports Centre and sell land currently leased by Exeter Ski Club, as confirmed at the Council meeting of 26 February 2019, has proved highly contentious.
2. The council received several petitions and numerous other representations opposing the sale: 1,800 people signed an online city-wide petition to save the sports centre; 500 signatures were collected door-to-door by the Save the Clifton Hill Green Space group, and the petition to save the Ski Slope was presented at the Council meeting on 26<sup>th</sup> February with a total of 2,624 signatures. All were ignored.
3. On May 2<sup>nd</sup> of this year Independent Cllr Jemima Moore, one of the Clifton Hill green space campaigners, was elected with 1,359 votes, pushing voter turnout in the Newton and St. Leonard's ward up from 34% to 39%.
4. Clifton Hill was earmarked for sale before the consultation on Exeter's Physical Activity Strategy, and thus the Ski Slope, Sports Centre and green space were excluded from city-wide strategic planning intended to enhance the wellbeing of people in Newtown and the whole of Exeter.

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5. We are facing a climate emergency, loss of biodiversity and dangerous levels of air pollution. Exeter needs open spaces and trees to provide “green lungs” that mitigate rising temperatures and pollution. The ambitious Exeter Garden City vision cannot be achieved if we build on the last remaining city centre green spaces.
6. There is no guarantee that sale of the Clifton Hill site will achieve the expected £8.5 – £9 million, and yet this estimate has repeatedly been used as the sole justification for the decision. Failure to meet this target could result in accusations of maladministration, or a legal challenge.
7. The Council holds other assets that could either be sold to raise revenue or used for social housing to address local need and generate income in the longer term. The sale of buildings and car parks should always be prioritised, before our green spaces, trees and wildlife are lost forever.
8. It is not too late to rethink the Council’s decision to sell the Clifton Hill site, and for all of us to work together to seek a better solution.

Exeter City Council therefore resolves to put the decision to sell the Clifton Hill site on hold, pending a four month review period during which other options for raising revenue – including a full and transparent assessment of other Council assets that could be sold without losing green space – are explored.

A plan of seating in the Guildhall is attached as an annexe

Date: Monday 15 July 2019

Karime Hassan  
Chief Executive &  
Growth Director

**NOTE: Members are asked to sign the Attendance Register**

Office of Corporate Manager Democratic & Civic Support			
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## COUNCIL

Tuesday 16 April 2019

### Present:-

Councillor Hannaford (Lord Mayor)  
Councillor Lyons (Deputy Lord Mayor)  
Councillors Bialyk, Branston, Denham, Edwards, Foale, Foggin, Gottschalk, Harvey, Henson, D, Mrs Henson, Holland, Leadbetter, Mitchell, K, Musgrave, Newby, Owen, Pattison, Pearson, Pierce, Prowse, Robson, Sheldon, Sills, Sutton, Thompson, Vizard M, Vizard N, Wardle, Warwick and Wright

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### APOLOGIES

Apologies for absence were received from Councillors Keen, Lamb, Morse, Packham and Wood.

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### MINUTES

The minutes of the Extraordinary and Ordinary meetings of the Council held on 26 February 2019 were moved by the Leader, seconded by Councillor Sutton, taken as read, approved and signed as correct.

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### OFFICIAL COMMUNICATIONS

As part of his commitment to have a multi faith approach, the Lord Mayor invited Richard Halsey, President of the Exeter Synagogue, to lead the prayers. Mr Halsey thanked the Lord Mayor for this honour. The Lord Mayor made a presentation to Mr Halsey of the city's coat of arms.

The Lord Mayor congratulated the following Exeter City Council staff and paid tribute to all the individuals and team members who continued to deliver first class service to the residents of Exeter and beyond, as well as enhancing the reputation of the City Council as a whole, including:-

- the RAMM for having won the Leisure and Tourism category at the recent Exeter Living awards, as well as the platinum award which was given to the overall winner.
- the Local Land Charges team for being highly commended in the most improved National Information Service category at the 2019 Land Data Local Land Charges awards for Excellence in recognition of considerably reducing the time taken to complete local searches.
- the Lord Mayoralty team for being runner up in the National Civic Office of the year award at their National Association Conference.
- the Material Reclamation Facility (MRF) receiving the runners up award in the Best Team Category at this year's Recycle Devon Awards for the second year running, and Matt Hulland, the MRF Manager also recognised for his influential work in recycling ocean plastics by winning the Your Recycling Hero category and being a runner up as the Community Hero Champion.

The Lord Mayor announced that Councillor Kate Hannan had stood down in March, and that the following six councillors would stand down at the forthcoming local government elections on 2 May, Councillors Rosie Denham, Daniel Gottschalk,

Lewis Keen, Chris Musgrave and Natalie Vizard and the Leader, Councillor Peter Edwards. He thanked them all on behalf of his fellow Members for their achievements and service to the people of Exeter.

The Lord Mayor mentioned the following events he had recently attended which included:-

- the Chinese New Year celebrations at Exeter University.
- the launch of a new book by the author Stewart Brown on the 'Medieval Exe Bridge, St Edmund's Church, and Excavation of Waterfront Houses, Exeter'.
- an event associated with a book written by Todd Gray, 'Not One of Us', which was about individuals set apart by choice, circumstances, crowds or the mob from 1451 to 1952.
- as part of the International Women's Day celebrations, a new skills event, had been launched in the city, with the emphasis on women in engineering.

The Lord Mayor also referred to the success at Sandy Park of the English woman's rugby team, the English Roses when they had triumphed over a team from Italy, 55 to 0.

The Lord Mayor invited John Street, the Council's Returning Officer, to update Members on the arrangements for the anticipated EU Election on 23 May, the actual Count to take place on 26 May to mirror the procedures in the rest of Europe.

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### **COUNCILLOR PETER EDWARDS**

The Lord Mayor announced that this would be the last Council meeting of Councillor Peter Edwards, both as a Member and as Council Leader, prior to his retirement at the May Elections, having served on the City Council for 26 years, representing Mincinglake and Whipton.

On behalf of the Council, the Lord Mayor thanked Councillor Edwards for his long and distinguished service and his outstanding contribution to the City Council and the life of the city during his period of service. Councillor Edwards was presented with a number of gifts, including a reproduction print of a favoured painting from the RAMM, the Fair Toxopolites. The Lord Mayor referred to his legacy which would be hard to match, and his contribution to the transformation of Exeter into a dynamic and regional powerhouse. He referred to the Leader's successful civic career and campaigns on local issues, and listed amongst his many notable achievements being lead councillor for Housing, which had remained an enduring priority for him. The Lord Mayor invited other Councillors to contribute.

Councillor Leadbetter offered his good wishes for a long and happy future. Councillor Mrs Henson referred to their mutual commitment and respect for the city and to the time when they worked together as opposition leaders, as well as the efforts, albeit in vain for Exeter to become a unitary authority. Councillor Mrs Thompson spoke about Councillor Edwards being able to trace his roots back to Exeter's West Quarter and felt he had been able to reap the benefits from that period of good communication, old fashioned recycling and green travel. Councillor Mitchell referred to his professionalism and support, and also to the close and cooperative working in the efforts to achieve a unitary authority for Exeter. He spoke of his notable record of serving this city and also wished him all the best for the future.

Councillor Sills commented on Councillor Edward's support of five newly elected Councillors under the age of 25 in 2016, and his empathy with the next generation.

Councillor Sutton also reiterated the encouragement and support shown to her by Councillor Edwards, particularly as one of a number of Portfolio Holders that he had appointed. She felt he should be justifiably proud of his achievement to introduce the Exeter Living Wage and also wished him a long and happy retirement.

Councillor Edwards thanked his fellow Councillors for their kind wishes, and gifts and the shared experiences together over the years. He spoke of the achievements for the city and cited the Rugby World Cup coming to Exeter, and cooperation with colleagues in Teignbridge to bring the Radio 1 Big Weekend event to Powderham. He also wished to pay tribute to the Chief Executive & Growth Director, Karime Hassan for the many benefits gained for the city from their good working relationship.

Members were unanimous in wishing Councillor Edwards well for the future.

23 **PLANNING COMMITTEE - 18 MARCH 2019**

The minutes of the Planning Committee of 18 March 2019 were presented by the Chair, Councillor Sutton, and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 18 March 2019 be received.

24 **LICENSING COMMITTEE - 26 MARCH 2019**

The minutes of the Licensing Committee of 26 March 2019 were presented by the Chair, Councillor Owen, and taken as read.

**RESOLVED** that the minutes of the Licensing Committee held on 26 March 2019 be received.

25 **PEOPLE SCRUTINY COMMITTEE - 7 MARCH 2019**

The minutes of the People Scrutiny Committee of 7 March 2019 were presented by the Chair, Councillor Wardle, and taken as read.

**RESOLVED** that the minutes of the People Scrutiny Committee held on 7 March 2019 be received.

26 **PLACE SCRUTINY COMMITTEE - 14 MARCH 2019**

The minutes of the Place Scrutiny Committee of 14 March 2019 were presented by the Chair, Councillor Sills, and taken as read.

**RESOLVED** that the minutes of the Place Scrutiny Committee held on 14 March 2019 be received.

27 **CORPORATE SERVICES SCRUTINY COMMITTEE - 28 MARCH 2019**

The minutes of the Corporate Services Scrutiny Committee of 28 March 2019 were presented by the Chair, Councillor Sheldon, and taken as read.

**RESOLVED** that the minutes of the Corporate Services Scrutiny Committee held on 28 March 2019 be received.

**AUDIT AND GOVERNANCE COMMITTEE - 13 MARCH 2019**

The minutes of the Audit and Governance Committee of 13 March 2019 were presented by the Chair, Councillor N Vizard, and taken as read.

**RESOLVED** that the minutes of the Audit and Governance Committee held on 13 March 2019 be received and, where appropriate, adopted.

**EXECUTIVE - 12 MARCH 2019**

The minutes of the Executive of 12 March 2019 were presented by the Leader, Councillor Edwards, and taken as read.

In respect of **Minute No. 33 (Report on the City Wide Transformation Programme Known as Exeter City Futures)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried.

In respect of **Minute No. 34 (Communities Programme)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried.

In respect of **Minute No. 35 (Gender Pay Gap Report)**, the Leader referred to the data showing a higher average rate of pay for females than males at Exeter City Council, which bucked the national trend, where only 1% of employers were in the same category.

The Leader moved and the Deputy Leader seconded the recommendations and they were carried.

In respect of **Minute No. 36 (Lord Mayor)** the Leader moved and the Deputy Leader seconded the recommendation and it was carried.

**RESOLVED** that the minutes of Executive held on 12 March 2019 be received and, where appropriate, adopted.

**EXECUTIVE - 9 APRIL 2019**

The minutes of the Executive of 9 April 2019 were presented by the Leader, Councillor Edwards, and taken as read.

In respect of **Minute No. 41 (Exeter City Council Cleaning Tender Award Report)** the Portfolio Holder Support Services referred to the Living Wage milestone having been reached, in respect of both employees of the City Council, those staff employed as part of the new cleaning contract at the Civic Centre, as well to a number of employers across Exeter all of whom paid the living wage. The Leader agreed with the Portfolio Holder Support Services that the City Council had led by example and remarked that wages had risen in the city, with a number of employers now paying higher wages to their staff.

In respect of **Minute No. 42 (Overview of Revenue Budget)**, Councillor Prowse sought clarity on the contract procurement process by the City Council, in particular the recommendation for a supplementary budget of £30,000 for the Housing Needs Survey and the reliance on external consultants for this. The Leader confirmed that this was an important piece of work and external consultants would be used to carry out the survey to establish the need, rather than rely on the information from the waiting list.

In respect of **Minute No. 43 (Capital Monitoring)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried.

In respect of **Minute No. 44 (Updates to the Scheme of Delegation)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried.

In respect of **Minute No. 45 (Results of the Consultation on Public Toilets)**, Referring to the Public Spaces Protection Order (PSPO) Councillor Musgrave raised the issue of the impact of the closure of public toilets such as Musgrave Row on residents as well as the homeless and street attached. He referred to the lack of toilet facilities and expressed his disappointment in the change in commitment to keep the toilets open beyond 7pm. He had asked the Section 151 Officer for information on the cost of keeping Musgrave Row open which was £4,886, with £4,500 of ongoing costs. He believed that the Musgrave Row toilets should remain open and the funding to be found from the budget, possibly utilising money earmarked for consultation. The Leader confirmed that the matter had gone out to public consultation, the proposal identified as vital to help save £60,000. He undertook to seek from officers, options for ensuring the homeless community were not disadvantaged by the toilet closures.

Councillor Mrs Henson asked about the impact on sports facilities across the city and urged reconsideration of the proposals. The Leader stated that toilets would remain in the sports parks.

Councillor Newby also expressed concern regarding the intended closure of the public toilets in Fore Street, Topsham, which would impact particularly on the elderly, suggesting that the closure so close to the Bank Holiday weekend was a miscalculation. The toilets in Topsham required little maintenance and had not been the target for any vandalism and he asked the Leader to look at this closure again. Councillor Leadbetter suggested Topsham's toilets could be operated by the community as a community asset. The Leader stated that he would look at the comments and referred to schemes in other parts of the country where people tended to use shops rather than public toilets.

Councillor Mitchell referred to previous meetings of a Community Toilets Group which had been set up which had included visits to other cities to look at their community toilet schemes. He asked the Leader to look at the work that had already been done in those cities across the country as well as best practice. The Leader felt it would be important to encourage community groups and businesses to advertise use of their toilets.

In respect of **Minute No. 48 (Democratic and Civic Support Staffing)**, Councillor Sills referred to the support given by staff in his role as a Scrutiny Committee Chair and he hoped that this support could be continued in spite of the current financial challenge. The Leader responded and referred to the £2.5 million savings that would have to be made, as well as ensuring that all services continued to meet the needs of the Council.

**RESOLVED** that the minutes of Executive held on 9 April 2019 be received and where appropriate, adopted.

**NOTICE OF MOTION BY COUNCILLOR SUTTON UNDER STANDING ORDER  
NO. 6**

Councillor Sutton, seconded by Councillor Denham, moved a Notice of Motion in the following terms:-

- That analysis of the 2018 Local Election results by the Fawcett Society found that only 34% of councillors in England are women, up 1% since 2017;
- That across England, Labour has improved its representation since seats were last up for grabs, with 45% women compared with 40% in 2014, Liberal Democrat representation up from 34% to 36% whilst the Conservative Party saw a fall from 31% to 29% in the share of its councillors who are female;
- That as of the 2018 local elections, only 26 out of 119 Labour councils and only 33 out of 130 opposition Labour Groups are led by women;
- As of summer 2017, only 4% of councils in England and Wales have parental leave policies, according to research by the Fawcett Society;
- That the equalities section of the Labour Party Democracy Review mandates all Labour councils and Labour Groups to introduce a parental leave policy to cover their group and their council as applicable;
- That the role of a councillor should be open to all, regardless of their background, and that introducing a parental leave policy is a step towards encouraging a wider range of people to become councillors, and is also a step to encourage existing councillors who may want to start a family to remain as councillors;
- That parental leave must apply to parents regardless of their gender, and that it should also cover adoption leave to support those parents who choose to adopt.

This Council resolves:

- To adopt the parental leave policy (attached) to give all councillors an entitlement to parental leave after giving birth or adopting;
- To ensure that councillors with children and other caring commitments are supported as appropriate;
- To notify the LGA that this council has passed a motion at full council to adopt the parental leave policy.

In presenting the Notice of Motion, Councillor Sutton stated that it was important that Exeter City Council decision making was representative of the wider population. She reiterated the support for Councillors in their child bearing years and also for those parents who wished to adopt. She felt the same rights afforded by the Council's parental policy, which included maternity leave, should be offered to Councillors. It was important to ensure that parents were able to carry out their jobs with the appropriate support.

She sought the support of her fellow Councillors.

In seconding the Notice of Motion, Councillor Denham thanked Councillor Sutton for bringing forward this Motion. She referred to a number of Councils around the country who had expanded their maternity provision. She referred to her own experience as a new mother and although this was also a personal matter, she hoped that all Members would be in favour. The lack of maternity leave particularly over a four year commitment could discourage those seeking to become a Council Member. She felt the public had a right to expect that their elected representatives would be able to carry out their role, and enjoy the same benefits of maternity leave.

She also referred to the importance of ensuring additional leave for those mothers with premature babies.

The Notice of Motion was put to the vote and carried unanimously.

32

**QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER  
NO 8.**

In accordance with Standing Order No.8, Councillor Thompson put the following questions to the Leader.

*Question - Has the City Council considered providing a new access to the Ski Slope together with a suitable parking area, which could enable this facility to be retained along with the allotments and some public open space, even if the rest of the site is to be redeveloped?*

The Leader responded that the valuation report advised on the indicative values for all parts of the site separately and concluded that a combined disposal generated the best value in financial terms.

*Question - Could the Leader please confirm if monies spent from City Council funds for The Pinhoe Hub are merely a grant to an outside body and if so what checks and balances do the City Council follow to ascertain that any contracts are progressed with accountability and with the correct procedures and do such procedures follow the City Council's own procurement regulations?*

The Leader responded that the Council had provided a grant of £100,000 to the Pinhoe Community Hub, which was approved by Council on 18 October 2016. The Council had provided an initial sum of £10,000 to enable payments to be made. A drawdown claim was then completed by the Hub to reclaim payments made and sent to the Council along with copies of the invoices paid. The Council would then reimburse the expenditure incurred.

*Question 3 – Could the Leader please explain why invoices relating to The Pinhoe Hub held by officers within the City Council require the Authority of the Legal Services before disclosure can be made to Elected City Councillors?*

The Leader responded that the Section 151 Officer was seeking a Legal opinion on whether he could legally supply the information requested. The invoices were a contract between the Hub and the third party providing services to the Hub and that they did not involve the City Council. If the Head of Legal advised there was no issue, then the Section 151 Officer would immediately share the information requested.

*Question - Following a resolution by Council for funding to be made available from the sale of the Clifton Hill Sports Centre site, it was agreed at Audit and Governance Committee an entry would be considered for inclusion on the Corporate Risk Register, noting there are no guarantees the repairs and improvements for The Riverside and other leisure facilities will be met from the sale should the sale be delayed or fail to proceed; so has the Leader made alternative financial provision to ensure funding is made available for The Riverside and other leisure facilities repairs and improvements?*

The Leader responded that the Council had sufficient space within its Capital Financing Requirement to cover this eventuality. A prudent sum had been added to the budget for repayment of debt to finance any shortfall. Clearly when the funds

were realised, this amount would be removed from the budget as a contribution towards the £2.4 million reductions required.

In accordance with Standing Order No.8, Councillor Leadbetter put the following questions to the Leader.

*Question - The Budget book shows that next year repayments on corporate debt will increase to over 20% of income. Please would the Leader tell me - what the current repayment figure is for this financial year in monetary terms (i.e. Actual amount paid) and what this will increase to for the year 2020/21?*

The Leader stated that a written response will be provided to all Members as quickly as possible following the Council Meeting.

*Question - And for the same years what the actual debt is?*

A written response will be provided to all Members as quickly as possible following the Council Meeting.

In accordance with Standing Order No.8, Councillor Prowse put the following questions to the Leader.

*Question - Is the Leader able to state the breakdown of the funding sources for the bus station site?*

- *How much is CIL funded?*
- *How much borrowed?*
- *How much is from the New Homes Bonus?*
- *Any other sources?*

The Leader responded that the financing for the Leisure Complex and Bus Station was set aside as follows:

• CIL	-	£ 8	million
• NHB	-	£ 18	million
• Capital Receipts	-	£ 6.25	million
• S106	-	£1.4	million
• Borrowing	-	£18.15	million
TOTAL	-	£51.8	million

*Question - What positive steps are we currently taking to encourage and promote the existing street markets and any other sites that could be ear marked as potential locations?*

The Leader responded that the Exeter Farmer's Market was a firm favourite with both those that sell their local supplies and their loyal customers. The Council would continue to help promote things that were important to the city, including the market.

With regards to any new markets or expansions, officers and the Deputy Leader of the Council had met with representatives from Food Exeter last week to hear their vision for additional markets in the city. He recalled St Georges Hall Market and it was important that the city had a good market.

Councillor Prowse requested that the comment by the Leader be recorded in the minutes. The Lord Mayor agreed that this matter could be included in the future Committee work plan.

*Question - What single memorable event or occasion will the Leader cherish during his loyal service to this Council and the Citizens of this great City?*

The Leader responded that there had been many events and occasions and so it had been difficult for him to recall just one particular occasion. He did comment on the devastation of the fire at the Royal Clarence Hotel, and recalled an interview at the time and that the introduction of the Exeter Living Wage had been notable events.

He did feel that the Councillors came in for a degree of criticism and he thanked Members for their support and considered that at times whilst their role could be very challenging it was an honour to serve the population of Exeter. In his time as a Councillor and as Leader, he certainly would not have given up one moment of it.

(The meeting commenced at 6.00 pm and closed at 7.40 pm)

Chair

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## ANNUAL COUNCIL

Tuesday 14 May 2019

### Present:-

Councillor Rob Hannaford (Lord Mayor)  
Councillor Rachel Lyons (Deputy Lord Mayor)  
Councillors Atkinson, Begley, Bialyk, Branston, Buswell, Foale, Foggin, Ghusain, Harvey, D Henson, Mrs Henson, Holland, Lamb, Leadbetter, Mitchell, K, Mitchell, M, Moore, D, Moore, J, Morse, Oliver, Owen, Packham, Pattison, Pearson, Pierce, Quance, A, Quance, I, Sheldon, Sills, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright

### Apology

Councillor Newby

1

### RECORDER

**RESOLVED** that His Honour Judge Peter Johnson QC be formally installed as Recorder of the City.

His Honour Judge Johnson welcomed his appointment and returned thanks.

2

### ELECTION OF THE LORD MAYOR

**RESOLVED** on the nomination of Councillor Leadbetter, seconded by Councillor Owen, that Councillor Peter Holland be elected Lord Mayor of the City for the ensuing Municipal Year.

The Lord Mayor was invested with his Robe and Chain of Office, made his Declaration of Acceptance of Office, took the Chair and returned thanks.

3

### APPOINTMENT OF THE DEPUTY LORD MAYOR

**RESOLVED** on the nomination of Councillor Pierce, seconded by Councillor Bialyk, that Councillor Yolonda Henson be appointed Deputy Lord Mayor of the City for the ensuing Municipal Year.

The Deputy Lord Mayor was invested with her Robe and Chain of Office, made her Declaration of Acceptance of Office and returned thanks.

4

### VOTE OF THANKS

**RESOLVED** that the Council record its appreciation for the able and courteous manner in which Councillor Rob Hannaford and Councillor Olwen Foggin have discharged the duties of the Lord Mayor and Lord Mayor's Consort during the past year.

Councillor Wright, on behalf of the Council, presented a badge to the retiring Lord Mayor.

The retiring Lord Mayor returned thanks.

**RESOLVED** that the Council record its appreciation for the able and courteous manner in which Councillor Rachel Lyons and Mrs C Raybould-Gooding have discharged the duties of Deputy Lord Mayor and Deputy Lord Mayor's Consort during the past year.

The retiring Deputy Lord Mayor returned thanks.

5      **ELECTION OF THE LEADER OF THE COUNCIL AND CONFIRMATION OF THE DEPUTY LEADER OF THE COUNCIL**

Councillor Bialyk was appointed as Leader of the Council. Councillor Bialyk confirmed the appointment of Councillor Sutton as Deputy Leader.

**RESOLVED** that Councillor Bialyk be elected as Leader of the Council and Councillor Sutton as Deputy Leader.

6      **APPOINTMENT OF THE EXECUTIVE AND PORTFOLIO HOLDERS**

The Leader of the Council confirmed his nominations for Portfolio Holders and Executive membership as circulated.

**RESOLVED** that the Council's Executive be appointed as follows for the ensuing Municipal Year:-

Councillor	Portfolio or Group
Bialyk, P.M.	Leader
Sutton, R.H.	Deputy Leader, Climate and Culture
Morse, E.A.	Supporting People
Wright, L.	Council Housing Development and Services
Harvey, D.J.	Environment and City Management
Foale, B.	City Development and Planning
Pearson, O.	Leisure and Physical Activity
Ghusain, A.	Equalities, Diversity and Communities
Leadbetter, A.R.	Conservative
Mitchell, K.J.	Progressive

7      **APPOINTMENT OF COMMITTEES**

Alternative options were submitted by the Labour Group and the Conservative and Progressive Groups combined in respect of the Chairs and Deputy Chairs of Scrutiny Committee - Place, Scrutiny Committee - People, Scrutiny Committee - Corporate Services and the Audit and Governance Committee. A vote was taken on the nominations.

**RESOLVED** that the membership of Committees etc, Chairs and Deputy Chairs and Independent Persons, as shown at the Appendix to these minutes, be approved.

(The meeting commenced at 7.00 pm and closed at 8.21 pm)

Chair

**EXECUTIVE,  
SCRUTINY AND OTHER COMMITTEES: 2019/20**

**EXECUTIVE (10)**

Bialyk, P.M. (Leader)	Morse, E.A.
Sutton, R.H. (Deputy Leader)	Pearson, O.
Foale, B.	Wright, L.
Ghusain, A.	Leadbetter A.R.
Harvey, D.J.	Mitchell, K.J.

**PORTFOLIO HOLDERS (8)**

Bialyk, P.M.	Leader
Sutton, R.H.	Deputy Leader, Climate & Culture
Morse, E.A.	Supporting People
Wright, L.	Council Housing Development & Services
Harvey, D J.	Environment & City Management
Foale, B.	City Development & Planning
Pearson, O.	Leisure and Physical Activity
Ghusain, A.	Equalities, Diversity & Communities

**MEMBER CHAMPIONS**

Oliver, T.	Champion for Equality and Diversity
Sheldon, G.N.	Champion for EX1 (Internal Transformation)
Wood, D.	Champion for Support Services

**SCRUTINY - CORPORATE SERVICES (10)**

Sheldon, G.N. (Chair)	Lamb, R.
Buswell, C. (Deputy Chair)	Quance, A.A.
Hannaford, R.M.	Vizard, M.
Henson, Y.A.C.	Warwick, S.
Moore, D.F.	
Mitchell, M.N.	

**SCRUTINY - PEOPLE (10)**

Vizard, M. (Chair)	Newby, R.
Wardle, A. J. (Deputy Chair)	Oliver, T.
Begley, J.	Pattison, J.
Foggin, O. A.	Pierce, C.
Moore, J.M.	Quance, I.

**SCRUTINY - PLACE (10)**

Sills, L.S. (Chair)	Moore, D.F.
Buswell, C. (Deputy Chair)	Moore, J.M.
Atkinson, Y.M.	Owen, K.
Henson, D.J.	Pattison, J.
Lyons, R.C.	Williams, R.T.

**PLANNING COMMITTEE (13)**

Lyons, R.C. (Chair)  
Williams, R.T. (Deputy Chair)  
Bialyk, P.M.  
Branston, R.  
Foale, B.  
Ghusain, A.  
Harvey, D.J.

Henson, Mrs Y.A.C.  
Mitchell, M.N.  
Morse, E.A.  
Pierce, C.  
Sheldon, G.N.  
Sutton R.H.

**PLANNING MEMBER WORKING GROUP (7)**

Williams, R.T. (Chair)  
Bialyk, P.M.  
Harvey, D.J.  
Henson, Mrs Y.A.C.

Foale, B.  
Moore, D.F.  
Lyons, R.C. (Chair of Planning  
Committee)

**MAJOR GRANTS PANEL (4)**

Bialyk, P.M. (Chair)  
Ghusain, A.

Leadbetter, A.R.  
Sutton, R.H.

**LEISURE COMPLEX AND BUS STATION PROGRAMME BOARD (7)**

*(Currently 5 Labour, 1 Conservative and 1 Progressive Group - politically balanced in accordance with the necessary proportionality requirements)*

Bialyk, P.M. (Chair)  
Sutton, R.H.  
Foale, B.  
Harvey, D.J.

Pearson, O.  
Henson, Mrs Y.A.C.  
Mitchell, M.N.

**EXETER STRATEGIC BOARD (14)**

(5 City Councillors)

Bialyk, P.M.  
Ghusain, A.  
Pierce, C.

Sutton, R.H.  
Williams, R.T.

(9 County Councillors)

Ackland, H.  
Asvachin, M.  
Atkinson, Y.M.  
Aves, S.  
Brennan, E.

Hannaford, R.M.  
Leadbetter, A.R.  
Prowse, G.R.  
Whitton, M.C.

**EXETER STRATEGIC BOARD FUNDING SUB GROUP (7)**

(3 City Councillors)

Bialyk, P.M.  
Ghusain, A.

Sutton, R.H.

(4 County Councillors – to be agreed at the Board)

**LICENSING COMMITTEE (13)**

Owen, K. (Chair)  
Buswell, C. (Deputy Chair)  
Begley, J.  
Branston, R.  
Henson, D.J.  
Mitchell, K.J.  
Newby, R.C.

Oliver, T.  
Quance, I.  
Vizard, M.  
Warwick, S.  
Wright, L.  
Wood, D.

**LICENSING SUB-COMMITTEE (3)**

Licensing Sub-Committee membership to be drawn from Licensing Committee Members above.

**AUDIT AND GOVERNANCE COMMITTEE (11)**

Wardle, A.J. (Chair)  
Atkinson, Y.M. (Deputy Chair)  
Hannaford, R.M.  
Henson, D.J.  
Henson Mrs, Y.A.C.  
Mitchell, M.N.

Lamb, R.  
Foggin, O.A.  
Pattison, J.  
Sheldon, G.N.  
Warwick, S.

**INDEPENDENT PERSONS**

Mr I Brooking and Professor B. Kirby appointed as Independent Persons to assist the Council in promoting and maintaining high standards of conduct amongst its Elected Members.

**STRATA JOINT EXECUTIVE COMMITTEE (3 - 1 FROM ECC)**

Bialyk, P.M. (Leader)

**STRATA JOINT SCRUTINY COMMITTEE (9 - 3 FROM ECC)**

Atkinson, Y.M.  
Lyons, R.C.

Pierce, C.

**EXETER HIGHWAYS AND TRAFFIC ORDERS COMMITTEE (13)**

(4 City Councillors)

Foggin, O.A.  
Harvey, D.J.

Newby, R.C.  
Wardle, A.J.

(9 County Councillors)

Ackland, H.  
Asvachin, M.  
Atkinson, Y.M.  
Aves, S.  
Brennan, E.

Hannaford, R.M.  
Leadbetter, A.R.  
Prowse, G.R.  
Whitton, M.C.

DRAFT

## PLANNING COMMITTEE

Monday 15 April 2019

### Present:-

Councillor Sutton (Chair)  
Councillors Lyons, Bialyk, Branston, Edwards, Harvey, Mrs Henson, Morse, Prowse, Sheldon, Thompson and Vizard

### Also Present

Director (BA), City Solicitor & Head of HR, Service Lead City Development, Assistant City Development Manager, Principal Project Manager (Development) (MH), Project Manager (Planning) (ZN), Litigation Solicitor and Democratic Services Officer

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### MINUTES

The minutes of the meeting held on 18 March 2019 were taken as read, approved and signed by the Chair as correct.

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### DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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### PLANNING APPLICATION NO. 18/0873/FUL - LAND AT RIBSTON AVENUE, EXETER

The Chair made the following statement in respect of the application for the construction of a 54 bed independent hospital (Use Class C2) with access, car parking, landscaping/open space and associated works:-

“Planning Committee has previously considered this application at its meeting on the 3 December 2018. The Committee resolved to grant planning permission in accordance with the officer recommendation set out in the report. Before the Planning Permission was issued, the Hill Barton Residents Association applied to Judicially Review the Council’s decision. The grounds for Judicial Review were in brief:-

1. Failure of the Council to discharge its duty under Section 11(2) of the Children’s Act 2004 by failing to consult properly;
2. Failure of Devon County Council to declare a financial interest in the application (as owner of the land) and having undue influence upon the decision as a statutory consultee (highways and flooding);
3. Failure to impose a condition excluding the use of the development within Class C2a of the Use Classes Order 1987/764;
4. Failure to secure a planning contribution for the benefit of the school.

On reflection, the Council agreed that it should re-consider its decision in the light of the matters referred to in ground 1. As a result, the Judicial Review was discontinued by the Hill Barton Residents Association. Today, the report has been prepared in substitution of the original report to allow the Committee to consider the application afresh, taking into account all the information and responses we now have.”

The Chair reminded Members that, as decision makers, they may be predisposed

to particular views. However, if any Member had closed their mind to any possibility beyond that predisposition, with the effect that they would be unable to apply their judgment fully and properly to the matter in hand and to take into account new information as set out in the report and not minded to listen to what is being said both for and against the application, then they must absent themselves from determining the matter on the basis that they have predetermined the application.

A Member suggested that three Members of the Committee, from comments made at 3 December meeting of this Committee, had shown themselves to have been predisposed to certain views. The City Solicitor and Head of Human Resources quoted the provisions of Section 25 of the Localism Act 2011 and, following a number of questions to the Members concerned, was of the view that on the face of it, the Members concerned appeared to be still open minded and none appeared to have already made up their mind as to which way to vote.

The Service Lead City Development introduced the report stating that it was an amalgam of the previous report with additional information added following further consultations. It specifically covered safeguarding matters following further information from the public and third parties and also covered the Council's obligations under the Equalities Act 2010.

The Principal Project Manager (Development) (MH) presented the details of the application which were the same as those reported to the 3 December meeting, other than changes to the boundary fencing. He explained that it was now proposed that the entire boundary would be three metres high with mesh fencing, apart from an area of fencing near the service road which was a two metre high mesh fencing on top of a one metre high gabion basket wall.

The Service Lead City Development reported that the following additional consultations had taken place:-

- Environmental Health on noise matters;
- Police Designing Out Crime Team;
- NHS - Safeguarding;
- Safeguarding Adults Board Devon County Council (DCC);
- Safeguarding Children Board (DCC) - now Devon Children and Families Partnership;
- Plymouth Diocese - Safeguarding Lead;
- Head Teacher St Nicholas RC Primary School;
- Plymouth CAST (Multi-academy trust of 36 Catholic Schools across South West of England);
- Devon County Council (DCC) as Local Education Authority (LEA); and
- Devon Partnership NHS Trust.

and referred to the representations received from the following consultees:-

- Chief Nursing Officer South Devon and Torbay Clinical Commissioning Group who had no objections on safeguarding grounds;
- the Devon Children's and Families Partnership who had no objections and welcomed the enhancement of mental health provision;
- the safeguarding lead of the Plymouth Diocese who was concerned regarding the difficulty in guaranteeing safety;
- the Headteacher of the St. Nicholas RC Primary School who, in addition to objecting, asked that, should the application be approved, a condition be

- added to prevent the facility taking on individuals who had connections with the Criminal Justice System and requesting that the Section 106 Agreement include a provision for a financial contribution to the school;
- the Devon Partnership NHS Trust who sought a balance between the element of risk and safeguarding against alienating people with mental health needs;
  - Plymouth CAST (Multi-academy trust of 36 Catholic Schools across South West of England) who supported the Headteacher; and
  - Devon County Council as education authority who had no objections on safeguarding grounds, as the public health body who did not object, subject to the facility meeting the standards of the Care Quality Commission and as a Children's Service stating that there was no evidence to give rise to concerns from a safeguarding point of view from other Cygnet facilities.

The Service Lead City Development stated that, following the additional consultations undertaken, and further representations received in respect of the proposal, additional questions/matters of clarification had been put to the applicant. He highlighted Cygnet's response in respect of safeguarding and their confirmation that they intended to comply fully with Care Quality Commission standards.

The Service Lead City Development explained that the facility would be for the provision of care and treatment to patients falling within the 'Acute to Low Secure' range only. The application was for a hospital falling within Class C2 of the Use Classes Order, the principal feature being the provision of 'care' which was personal care for people in need of such care by reasons of past or present mental disorder. The City Development Manager reminded Members that, in planning terms, whether a particular use or facility falls within any use class is to be determined by its primary purpose.

The difference between 'security' in this context (Class C2) and that in respect of secure residential institutions falling within Class C2a - including secure hospitals alongside uses such as prisons, detention centres and custody centres which might be considered less appropriate in a residential area - had previously been recognised by the Courts. The difference being that, in respect of a Class C2a use, their main purpose was to keep persons under control who were a potential danger to society at large as opposed to residential institutions whose primary function was the provision of care to people in need of care, albeit they may incorporate ancillary security measures as part of the delivery of that care. Should a proposal come forward for a Class C2a use in respect of this facility, a new planning application would be required.

With regard to the Equalities Act 2010, the Service Lead City Development advised that the Council should have regard to people with protected characteristics which in this case covered both children and people with mental illnesses. It was considered that there was no negative impact from an equality perspective because of the design of the facility, management arrangements and the requirements of the regulatory regimes.

The Service Lead City Development referred to representations received circulated with the update sheet and a further representation received on the day of the meeting relating to highways matters which had been seen by the Highways Officer.

The Service Lead City Development stated, that in view of the issues reported, the recommendation was for approval, subject to the conditions as set out in the report

including a Section 106 Agreement covering public open space and a traffic order.

Members were advised, in response to queries from a Member, that Devon County Council rather than the Department of Transport were the appropriate consultee on highways issues. The Service Lead City Development also confirmed, in response to a Member, that no consultation response had been received from Ofsted. Responding to two Members, he re-iterated that any application for a Class C2a use would be the subject of a planning application to be considered by this Committee and that a Class C2 use was in respect of treating ill people.

Councillor Holland, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- representing the views and concerns of the community. The objection is not to the provision of mental health services which are much needed;
- the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety. It is believed that there will be an unacceptable cumulative impact on traffic flow on Hill Barton Road;
- there is evidence that the judgement made by Devon County Council Highways is flawed as their determination was based, in part, on incorrect data provided by Cygnet Health Care's Transport Statement following a survey by Northern Transport Planning Ltd;
- an increase in the number of vehicles will have a serious impact on Bramley Avenue where there are already existing traffic issues and grid-lock can be anticipated. Bramley Avenue has a very high level of traffic flow in the morning peak as evidenced from an independent survey conducted in recent days which showed 120 vehicles an hour rather than 30 vehicles an hour. There are already issues with congestion and any additional traffic from this hospital will exacerbate problems. There will be additional traffic on Lower Hill Barton Road, an important commuter corridor, which will also adversely impact on Bramley Avenue;
- additional traffic will also result from the two shift system for nursing staff at the hospital;
- hospitals attract additional vehicle activity from the Ambulance Service, the Police and the Fire Brigade. Rescue appliances will not be able to get to a life threatening incident either at the hospital, or on the Hill Barton residential estate, because Bramley Avenue will be grid-locked by too much traffic;
- Devon and Somerset Fire and Rescue Service have not been consulted on this development;
- a foot/cycle path between Warwick Road and Ribston Avenue is proposed which will allow access along the school boundary. This will enable patients on supervised or unsupervised release to walk immediately next to the play areas of St. Nicholas Primary School which will compromise the safety of children. The potential for contact with pupils is further grounds for the application to be declined;
- security measures agreed with the police were given "in confidence" and it is therefore felt that the Exeter City Council cannot determine the case nor can St. Nicholas Primary School properly conduct a safeguarding risk assessment;
- approval would be contrary to the Council's safeguarding policy;
- the number of applications for the reception year group in September 2019 is low as a number of parents had not applied to St Nicholas;
- there has not been any collaborative discussion to identify and resolve key

- planning issues before this application was submitted and no consultation with Devon Children and Families Partnership;
- serious concerns around the issue of safeguarding and risk, child protection and the welfare of pupils and, in addition, the staff and wider school community;
  - it is for those with the statutory responsibility for child protection to comment and determine on safeguarding issues not planning officers;
  - real concerns about safeguarding and Cygnet appear almost dismissive of safeguarding;
  - a Community Impact Assessment requested by the Devon Children's and Families Partnership has not been carried out;
  - believe, in line with NHS England guidance, that low secure services provide care and treatment for those who present a significant risk of harm to others. As such, and because of the profile of potential patients at this facility, it should not be situated next to any school. With 350 children aged 3 to 11 on roll at St. Nicholas Primary School it is not only the fact that the patients present a risk of escape but the risk profile of those who may escape which creates the safeguarding problem;
  - Cygnet Healthcare Trust may later change their operational statement/admissions criteria and accept higher risk patients;
  - the lead OFSTED Inspector stated that the site was totally inappropriate for a Secure Unit and the Director of Education for Warwickshire and the National Association of Headteachers all express serious reservations;
  - none of the 500 Devon schools are sited next to a prison or secure unit; and
  - as a former Head of primary schools, believe that granting planning permission for a secure unit in such close proximity to a school with 350 pupils compromises the safety of children.

The Highways Development Management Officer responded to highways issues raised:-

- the traffic generated as part of the application could not be classed as severe as the Planning Inspector had come to the same assessment at appeal in respect of the planning application for the adjacent housing development site;
- restrictive highway conditions such as one way systems and residents' parking areas were to be found across the city which did not restrict access by emergency vehicles; and
- not aware that the Devon and Somerset Fire and Rescue Authority had not been consulted; and
- the footpath from the Ringswell Avenue residential site to Warwick Road, to which the applications site would connect into, is beneficial in respect of improving overall connectivity without which opportunities for cycling and walking would be reduced.

Councillor Holland responded as follows to Members' queries:-

- do not accept the applicant's transport statement which is inapplicable to this site and is counter to the independent survey carried out by local residents. Traffic problems in the area will be exacerbated should this development proceed;
- the Headteacher states that only 29 spaces had been filled at the March cut off point leaving a shortfall in the school budget of £64,000; and
- safeguarding issue is of prime concern and "blue light" vehicles

approaching the hospital in the event of any issues from patients with acute problems are likely to impact adversely on children.

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

- serious concerns regarding the safety of children attending the school which includes the safety of own child who is taken to school by parents via the Warwick Road entrance, the development therefore presenting a risk to children as well as the community in general;
- at a Cygnet facility in Wrexham, costs were awarded against the applicant for failing to address safeguarding issues, yet Cygnet believe that, for this application, safeguarding measures have been adequately addressed;
- Cygnet have not had meaningful communications with the Devon Partnership NHS Trust regarding the nature of bed provision for those with mental health issues;
- Cygnet state that the facility is not designed with security in mind; and
- wrong to grant permission given that the issues of safeguarding have not been addressed and the facility will adversely affect children and the wider community.

Responding to a Member's query, he stated that the offers of Cygnet not to cater for individuals who had dealings with the Criminal Justice System and to assist the school with a financial contribution indicated that there was a recognition that this facility was not wholly appropriate within this location.

Following a number of requests from the Chair and in accordance with Standing Order No 24 (3), the meeting was adjourned at 6.40 pm for five minutes because of disturbance from a member of the public. The individual in question left the building.

Carl Dyer spoke in support of the application. He raised the following points:-

- clear need for the facility, identified by Devon Partnership NHS Trust, Devon County Council Public Health and the Devon County Council safeguarding team;
- many, including CAST, who object, accept that there is a need although many also suggest that it should be elsewhere which may not be the best way to make already vulnerable people feel valued members of the community;
- independent, objective professionals are happy with the proposal;
- the Police, NHS safeguarding, Devon County Council, the safeguarding children's board and the local education authority are supportive;
- the hospital will be monitored by the Care Quality Commission (CQC) who will ensure appropriate standards are met;
- it will be a Class C2 hospital, providing care to those in need of care not a Class C2a facility and it cannot change to a Class C2a hospital without a new planning application.
- in Maidstone, the Council is currently building a primary school next to a Cygnet hospital;
- the recommended planning conditions are acceptable and Cygnet will enter into a Section 106 obligation and there is no need for funding for the Police; and
- first time in the last 37 years had to address objections to a hospital.

He responded as follows to Members' queries:-

- the applicant had made a clear commitment not to put people in the facility who have been involved with the Criminal Justice System; and
- a commitment also made that this would not become a Class C2a use facility and that, although there were some security measures, the facility was not a secure unit.

Some Members opposed the application highlighting the restrictive size of the site, suggesting that the environment, as well as presenting problems to the local community and the nearby school, would be unsuitable for the occupants of the facility. They questioned the track record of the operator, referred to some issues that had been raised by the Devon NHS Partnership Trust and the insufficient communication with them by the applicant and raised the potential problems regarding staff recruitment. They referred to the concerns of both the Headteacher and the Safeguarding Lead of the Plymouth Diocese. They did not accept the accuracy or relevance of the transport statement provided by the applicant and highlighted, in particular, the closeness of the facility to the school and the real concerns expressed that the safety of the school children would be compromised. They did not feel that the school and the unit could co-exist next to one another given the safeguarding issues raised. One Member also referred to the nature of acute illness in a mental health context, stating that an acute episode could emerge suddenly and that the designation of this unit as low risk did not accord with the potential for such incidents to occur. They also stated that the location was inappropriate in this long established community.

Other Members fully supported the recommendation. They welcomed the comprehensive report produced since the meeting on 3 December which covered the consultations undertaken enabling matters to be looked at afresh. They referred to the confirmation that the facility was a Class C2 use and not a Class C2a use and the assurance that it would not be converted to Class C2a use noting that a separate planning application was necessary for any such proposal. It was emphasised that the facility would need to operate in accordance with the requirements of the Care Quality Commission and it was also stated that any transfer of patients to and from such facilities were normally undertaken in private, unmarked vehicles. The Members supporting the proposal accepted conclusions put in respect of traffic matters by the County Council Highways Officer, one referring to the Inspector's decision on the nearby housing development in respect of highway matters. She also emphasised the need to have regard to the safeguarding of vulnerable people over the age of 18, that is, the future patients of the unit. Reference was made to the fact that the hospital would, when need arose, cater for residents of the local and wider Exeter community.

**RESOLVED** that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 covering:-

- public open space – provision of public access and maintenance arrangements; and
- a traffic order contribution of £33,000.

planning permission for the construction of a 54 bed independent hospital (Use Class C2) with access, car parking, landscaping/open space and associated works 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 beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91 and 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 5th June, 11th and 19th October 2018, and 11<sup>th</sup>, 18<sup>th</sup> and 29<sup>th</sup> March 2019 (including dwg. nos. CYG-PHS-XX-ZZ-DR-A-90-001 Rev P1, CYG-PHS-XX-ZZ-DR-A-90-003 Rev P1, CYG-PHS-XX-ZZ-DR-A-90-004 Rev P6, CYG-PHS-XX-00-DR-A-22-001 Rev P2, CYG-PHS-XX-01-DR-A-22-002 Rev P2, CYG-PHS-XX-ZZ-DR-A-27-001 Rev P1, CYG-PHS-XX-ZZ-DR-A-20-001 Rev P5, CYG-PHS-XX-ZZ-DR-A-90-005 Rev P3, Landscape General Arrangement 001I, Landscape Design 003 and Landscape Site Sections 002E) as modified by other conditions of this consent.

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

- 3) Pre commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to 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, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

**Reason** for pre commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

- 4) Pre-Commencement condition: - No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- a) The parking of vehicles of site operatives and visitors.
  - b) Loading and unloading of plant and materials.
  - c) Storage of plant and materials used in constructing the development.
  - d) The erection and maintenance of securing hoarding, if appropriate, which shall be kept clear of graffiti and fly-posting.
  - e) Wheel washing facilities.
  - f) Measures to control the emission of dust and dirt during construction.
  - g) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable.
  - h) No burning on site during construction or site preparation works
  - i) Measures to minimise noise and vibration nuisance to neighbours from plant and machinery.
  - j) No driven piling without prior consent from the LPA.
  - k) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

The approved Statement shall be adhered to throughout the construction period of the development.

**Reason** for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest

possible stage.

- 5) 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.
- 6) The building hereby approved shall not be brought into use until the landscaping has been completed in accordance with the approved plans and a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved maintenance schedule shall be adhered to.  
**Reason:** - In the interests of the visual amenity of area and to ensure appropriate maintenance measures are implemented to secure the longevity of the implemented landscaping scheme.
- 7) No part of the development hereby approved shall be brought into its intended use until the vehicular parking, on-site turning area, vehicular and pedestrian access points onto Ribston Avenue as indicated "Drawing Number CYG-PHS-XX-ZZ-DR-A-90-004 Rev P6" has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To ensure that a safe and suitable access is achieved, in accordance with paragraph 108 of the National Planning Policy Framework.
- 8) No part of the development hereby approved shall be brought into its intended use until details of the pedestrian/cycle access to the adjacent residential site (to the south of Ribston Avenue) have been approved in writing by the Local Planning Authority and the pedestrian/cycle access has been provided, surfaced and marked out in accordance with the approved plans. Thereafter the said access shall be retained for those purposes at all times.  
**Reason:** To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraphs 108 and 110 of the NPPF and CP9 of the ECC Core Strategy
- 9) Prior to the development hereby approved being brought into use secure cycle parking provision and staff changing facilities to serve the development shall be provided and made available for use in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said facilities shall be maintained at all times for the intended purpose.  
**Reason:** To provide adequate facilities for sustainable transport.
- 10) No development shall take place until adequate areas have been made available within the site to accommodate operatives' vehicles, construction plant and materials and a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements, measures to minimise the impact on the adjacent footpath and timings of the proposed works. The approved Statement shall be adhered to throughout the

construction period.

**Reason:** In the interests of highway safety and public amenity

- 11) A comprehensive Travel Plan in line with the proposals mentioned in the submitted Travel Plan Statement (June 2018) and Car Park Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the development. The Travel Plan measures and Car Park Management Plan shall thereafter will be implemented in accordance with the approved details. A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority as part of the Travel Plan thereafter.

**Reason:** To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 111 of the NPPF.

- 12) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts 1 and 2 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part 3 has been complied with in relation to that contamination.

#### 1. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### 2. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### 3. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance, and where remediation is necessary an updated remediation scheme must be prepared in

accordance with the requirements of part 1, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved updated remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part 2.

Parts 1, 2 and 3 must all be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

**Reason:** In the interests of the amenity of the occupants of the building hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

- 13) Prior to the commencement of the use hereby permitted, the kitchen ventilation system for the unit shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses. 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'.
- Reason:** - In the interests of protecting the residential amenity of the occupants of surrounding properties.
- 14) Noise levels at the boundaries of the site associated with plant forming part of the development hereby approved shall not exceed the limits specified in Figure 1 attached to the WSP memo dated 21st September 2018 ref WSP-APM001 submitted in support of the application.
- Reason -** To protect the residential amenity of the occupants of surrounding properties.
- 15) Prior to the development hereby approved being brought into use boundary treatments to all 4 external boundaries of the site, and between the hospital and the open space, shall be erected in accordance with further detailed specifications that shall previously have been submitted to and approved in writing by the Local Planning Authority. The detailed specifications shall be based on the boundary treatments specified on the approved landscaping plans, and in the Design and Access Statement by Land Studio dated February 2019, and comprise detailed specifications (including construction specifications) for each boundary. Thereafter the said boundary treatments shall be maintained at all times.
- Reason -** In the interests of the visual amenities of the area, and the security of the site.
- 16) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter 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.

- 17) The detailed design of the proposed surface water drainage scheme to serve the site, including the associated maintenance and management arrangements, shall be submitted to and be approved in writing by the Local Planning Authority prior to the installation of the said drainage facilities. Thereafter the drainage shall be implemented and managed and maintained in accordance with the approved details. Those details shall include:
- a) a timetable for its implementation, and
  - b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.
- Reason:** To ensure the satisfactory drainage of the development. This information is required before development commences to ensure that any drainage scheme is properly designed and implemented at the appropriate stage.
- 18) Prior to occupation of the building hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife, has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
- Reason:** In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

In the event that the Section 106 Agreement is not completed within six months of the date of this committee meeting, the City Development Manager be authorised 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.

(In accordance with Standing Order No.43, the Councillors indicated that their voting in respect of the recommendations be recorded as follows:-

Those voting in favour : Councillors Bialyk, Branston, Harvey, Lyons, Morse, Sheldon and Vizard,

Those voting against : Councillors Mrs Henson and Mrs Thompson)

Councillor Prowse left the meeting at this point.

24      **PLANNING APPLICATION NO. 18/1053/FUL - ALPHIN HOUSE, MILL LANE, EXETER**

The Project Manager (Planning) (ZN) presented the application for the change of use of former care home to provide 19 residential units, partial demolition and redevelopment of a two storey side extension, associated car and cycle parking, private amenity space and public footpath. The presentation was a joint one covering application 18/1275/FUL (Min. No. 25 below).

Councillor Warwick, having given notice under Standing Order No. 44, spoke on both applications. He raised the following points:-

- change from 55 plus residence is regrettable;
- an independent report would have been preferable given the County

- Council's ownership of the site;
- Mill Lane is the old country lane from Alphington Village starting as a footway/cycleway only from Ide Lane to Mill House and then shared with vehicles to the junction with Mandrake Road. The footpath is used not only by children of the primary school and West Exe School but the residents of the housing estates in Alphington to get to Marsh Barton and St Thomas;
- the travel plan is not necessarily a solution to road safety and traffic issues as encouraging further cycle and walking use will also increase conflict with vehicles. The footpath starting at Ide Lane funnels pedestrians into Mill Lane and vehicular traffic and pedestrians cannot pass at the same time on the bridge over Alphinbrook near the junction with Mandrake Road. There is a vital need for a safe footway if planning permission is granted, for example, establish one through the local playing fields;
- additional traffic will be generated by the development which, allied to parents parking along Mill Lane to drop off and pick up children from the primary school as well as children walking to this school and West Exe, refutes the County Council claim that the situation is not dissimilar to that of other schools in the city;
- a road management scheme is required to restrict access to residents and visitors only at certain times of the day, that is, when pupils are entering and leaving the primary school; and
- the main issue is the safety of school children and because of the problem of speeding traffic a speed limit should be enforced which will also help ensure safe access and egress to the development site.

He responded as follows to Members' queries:-

- became aware of the change from a 55 plus residence when the second application was submitted; and
- traffic and parking enforcement had been suggested by the residents although recognise limited enforcement resources.

The Highways Development Management Officer advised that shared space helped minimise traffic speed in accordance with the Manual for Streets. Although school children did come to school close to the peak am traffic flow, they left outside the peak pm flow and therefore the two would not meet. The applicant had agreed to provide a pedestrian footpath adjacent to Mill Lane, on land within the applicant's control. With regard to restricting access to residents and visitors only, this would be difficult to enforce unless cameras were installed and which, in any case, the County Council could not maintain. Mill Lane was the subject of a 20mph speed limit.

Juliet Meadowcroft spoke against both applications. She raised the following points:-

- speaking on behalf of the residents of Mill Lane and Mandrake Close, as well as the parents of school children. The Alphington Village Forum objects to the over-development of Alphin House which will create 22 new units with a total of 46 bedrooms and thus potentially 50 to 60 new residents, possibly owning at least 80 cars with only 22 parking spaces;
- for the reason of children's safety alone, the Forum recommends that the application should be deferred until an independent transport report is obtained;
- nowhere in Mill Lane to park or anywhere else;
- potential conflict of interest with Devon County Council selling the property for profit and apparently oblivious of the dangers imposed by extra traffic on

- a narrow countryside lane;
- conditions requiring safe and suitable access to the site have not been met in the County Council's Highways Report, which ignores the safety of numerous pedestrians and cyclists using Mill Lane twice daily and the impact of more congestion on Church Road and Alphington Road, especially at the junction near Sainsbury's;
- the development does not meet the requirement within the Highways Chapter of the National Policy Planning Framework. The framework states that applications for development should give priority first to pedestrians and cyclists, but also address the needs of people with disabilities and reduced mobility in relation to all modes of transport. It also states that development should create places that are safe, secure and attractive minimising the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter and respond to local character and design standards;
- the development will spoil a pleasant rural lane enjoyed by numerous residents, turning it into a dangerous and busy highway, yet without a path that runs the whole length of the road;
- developer has not provided a pavement from Alphin House to the end of Mill Lane;
- fails to meet the objectives of the Manual for Streets;
- estimate of new traffic is not realistic as it should not base the estimated numbers on the former use as a care home as opposed to the likelihood of up to possibly 50 or so new residents trying to go to work in the morning peak hour by car or bicycle just at the time the children are going to school. The report states that the traffic will double which does not tally with a residents' survey;
- concerns in particular about the safety of all children who walk and cycle;
- recommend that this development is limited to older people who will not be as likely to each own a car and want to drive to work at peak times. The 55 plus age limit should not have been removed; and
- lack of transparency over the whole development.

Mr Burgess spoke in support of both applications. He raised the following points:-

- applicant is passionate about converting redundant buildings to promote high quality and radical accommodation which blends into the local environment;
- use of distinctive materials including brick and tiled pitched roof;
- the design is sensitive to the surrounding area and sense of community and green space will surround the development;
- providing improved vehicular access and a new footpath to be provided along edge of Mill Lane; and
- protection of trees.

Concerns relating to material planning considerations had been addressed through revisions to the scheme, conditions on the decision notice and a Section 106 Agreement. For all the reasons considered and weighing up the development plan policies and proposals, and other material considerations, it was considered that the proposal would be appropriate.

Members did not feel that the increase in traffic movement would be a severe enough impact on the highway network to warrant a refusal of the scheme.

The recommendation was for approval, subject to the conditions and signing of a Section 106 Agreement as set out in the report.

**RESOLVED** that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure pedestrian footpath, a Management Scheme, and Affordable Housing, planning permission for the change of use of former care home to provide 19 residential units, partial demolition and re-development of a two storey side extension, associated car and cycle parking, private amenity space and public footpath be **APPROVED**, 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 and 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 25<sup>th</sup> February 2019 (including dwg. nos. 17447 SD, DTS18.28.1.TPP, (0) 001, 002, 003, 004, 005, 01 F, 02E, 50E, 60B, 10C, 51B, 03 D, 10, 11, 20 ) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Prior to above ground works, samples of the materials it is intended to use externally in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Wherever possible external doors and accessible windows should comply with the Secured by Design (SBD) standards as set out in Secured by Design Homes 2016. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter 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 and to reduce the fear of and opportunities for crime.
- 4) 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 5837:2012 Trees in Relation to design, demolition and 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.
- 5) Pre-commencement condition: The demolition of the existing dwelling on

site with a bat roost as identified in the Bat & Protected Species Survey, Bat Emergence Survey shall not in any circumstances commence unless the Local Planning Authority has been provided with either: A copy of the relevant wildlife licence issued by Natural England authorising the demolition of the building and destruction of the roost; or, A statement in writing from Natural England to the effect that it does not consider that demolition of the building will require a licence.

**Reason** for pre commencement condition: To ensure that no bat roost is damaged or destroyed without the appropriate licence being obtained in accordance with the Conservation of Habitat and Species Regulations 2010 as amended. These details are required pre commencement as specified to ensure that bats are not killed or otherwise harmed by building operations.

- 6) Pre commencement condition: No works on the demolition of the existing dwelling on site shall commence until details of the replacement bat roost provisions have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type of roost provisions and their location on the site. Demolition works shall not commence until the bat roost provision designed to compensate for the loss of the existing roost has been provided on site as approved. The bat roost provisions designed to provide an enhancement on site shall be provided as approved.  
**Reason** for pre-commencement condition: In the interests of biodiversity and to accord with the recommendations of the Bat and Protected Species Survey, and Bat Emergence Survey. These details are required pre-commencement as specified to ensure that they provide satisfactory compensation for the loss of the existing roost and enhancement in accordance with the National Planning Policy Framework.
- 7) No individual dwelling hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that have been approved by the Local Planning Authority as part of this permission. 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.
- 8) Pre-commencement condition: Prior to commencement a detailed assessment of the condition of the existing surface water drainage system must be undertaken, the results of which must be submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. Where the assessment shows that works are required to be undertaken to the existing surface water drainage network, a schedule of works must be submitted to the LPA with a timetable for implementation. On completion of the repair works, a verification report must be submitted and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority, prior to occupation  
**Reason** for pre-commencement condition: To ensure that the existing surface water drainage system is of a satisfactory condition to continue receiving surface water runoff generated from the proposed development.
- 9) If, during demolition/ development, contamination not previously identified is found to be present at the site then the Local Authority shall be notified as soon as practicable and no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the developer has submitted an investigation and risk assessment, and where

necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy, shall be submitted to and approved by the Local Planning Authority.

- 10) Pre-commencement condition: Details of gas protection measures should be submitted to and approved, in writing, by the Local Planning Authority. The building(s) shall not be occupied until the approved measures have been implemented and this has been confirmed with the Local Planning Authority.  
Reason for pre-commencement condition: In the interest of the public safety and amenity.
- 11) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Demolition Construction Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for and not be limited to:
- a) The site access point(s) of all vehicles to the site during the construction phase.
  - b) The parking of vehicles of site operatives and visitors.
  - c) The areas for loading and unloading plant and materials.
  - d) Storage areas of plant and materials used in constructing the development.
  - e) The erection and maintenance of securing hoarding, if appropriate.
  - f) Wheel washing facilities.
  - g) Measures to control the emission of dust/dirt during construction.
  - h) 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.
  - i) No burning on site during construction or site preparation works.
  - j) Measures to minimise noise nuisance to neighbours from plant and machinery.
  - k) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
  - l) Construction traffic and deliveries must avoid school drop off/pick up hours
  - m) No driven piling without prior consent from the LPA.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

**Reason** for pre-commencement condition: In the interest of the public amenity, highway safety, the environment of the site and surrounding areas.

- 12) Pre-commencement condition: Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out

in accordance with the approved statement.

**Reason** for pre-commencement condition: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that waste generated during construction is managed sustainably

- 13) Prior to occupation, the vehicular access, on site turning areas and vehicular parking spaces as indicated on Drawing Number 17447 Rev E, must be implemented for 19 cars to be parked and for vehicles to turn, so that they may enter and leave the site in forward gear, in accordance with details that have been submitted as part of this application, and thereafter retained and maintained for that purpose unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To provide adequate visibility to achieve a safe and suitable access, in accordance with paragraph 108 of the National Planning Policy Framework.
- 14) Prior to occupation of the development, details of secure cycle parking provision and bin stores which show how the proposal responds to Secure by Design principles shall be submitted to and agreed in writing by the Local Planning Authority. The cycle parking and bin stores shall be implemented in accordance with the approved details and thereafter retained and maintained unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To provide adequate facilities for sustainable transport and to reduce the fear of and opportunities for crime.
- 15) Pre-commencement condition: Prior to commencement details of the proposed footway adjacent to the site and visibility splays for the cycle access as indicated on the Drawing Number 17447 Rev E, have been submitted to and approved in writing by the Local Planning Authority.  
**Reason** for pre-commencement condition: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and policy CP9 of the ECC Core Strategy
- 16) Prior to occupation a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of a 'travel pack' which will be produced for each dwelling, providing information of walking and cycling routes and facilities, and public transport routes and timetables, car sharing schemes, and the location of local and central shopping and leisure facilities. The approved travel plan measures must be implemented to the satisfaction of the Local Planning Authority. A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority thereafter.  
**Reason:** To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraphs 111 and 105 of the NPPF
- 17) Prior to occupation, above ground works, 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 for approval in writing. 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. Furthermore, the scheme shall show how it accords with Secure by Design Principles, in particular with regard to boundary screen walls and fences. The landscaping shall thereafter be implemented in accordance with the approved scheme and programme.

**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of safety and amenity and reducing the fear of and opportunities for crime.

- 18) Prior to occupation, details of external lighting on the site and on the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

**Reason:** To ensure lighting is well designed to reduce the fear of and opportunities for crime and protect the amenities of the area and wildlife.

#### Informatives

1. In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to funding the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with Section 111 of the Local Government Act 1972 or a Unilateral Undertaking).
2. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
3. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).

**PLANNING APPLICATION NO. 18/1275/FUL - ALPHIN HOUSE, MILL LANE,  
EXETER**

The Project Manager (Planning) (ZN) presented the application for the change of use of former care home to provide 19 residential units, partial demolition and redevelopment of a two storey side extension, construction of three terraced houses, associated car and cycle parking, private amenity space and public footpath. The presentation was a joint one covering application 18/1053/FUL (Min. No. 24 above).

Councillor Warwick, having given notice under Standing Order No. 44, spoke on the item as did Juliet Meadowcroft as an objector and Philp Burgess as a supporter. Their views are set out in Min. No. 24 above.

Responding to the views expressed by the speakers, the Highways Development Management Officer advised that shared space helped minimise traffic speed in accordance with the Manual for Streets. Although school children did come to school close to the peak am traffic flow, they left outside the peak pm flow and therefore the two would not meet. The applicant had agreed to provide a pedestrian footpath adjacent to Mill Lane, on land within the applicant's control. With regard to restricting access to residents and visitors only, this would be difficult to enforce unless cameras were installed and which, in any case, the County Council could not maintain. Mill Lane was the subject of a 20mph speed limit.

With regard to concerns relating to material planning considerations it was noted that these had been addressed through revisions to the scheme, conditions on the decision notice and a Section 106 Agreement. For all the reasons considered and weighing up the development plan policies and proposals, and other material considerations, it was considered that the proposal would be appropriate.

Members did not feel that the increase in traffic movement would be a severe enough impact on the highway network to warrant a refusal of the scheme.

The recommendation was for approval, subject to the conditions and signing of a Section 106 Agreement as set out in the report.

**RESOLVED** that, subject to completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure pedestrian footpath, a Management Scheme, and Affordable Housing planning permission for the change of use of former care home to provide 19 residential units, partial demolition and redevelopment of a two storey side extension, construction of three terraced houses, associated car and cycle parking, private amenity space and public footpath be **APPROVED**, 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 and 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 25<sup>th</sup> February 2019 (including dwg. nos. 17447 SD,

DTS18. 28.1.TPP, (0) 001, 002, 003, 004, 005, 01 F, 02E, 50E, 51B, 10C, 60B, 03 D, 10, 11, 20 ) as modified by other conditions of this consent.

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

- 3) Prior to above ground works, samples of the materials it is intended to use externally in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Wherever possible external doors and accessible windows should comply with the Secured by Design (SBD) standards as set out in Secured by Design Homes 2016. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter 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 and to reduce the fear of and opportunities for crime.
- 4) 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 5837:2012 Trees in Relation to design, demolition and 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.
- 5) Pre-commencement condition: The demolition of the existing dwelling on site with a bat roost as identified in the Bat & Protected Species Survey, Bat Emergence Survey shall not in any circumstances commence unless the Local Planning Authority has been provided with either: A copy of the relevant wildlife licence issued by Natural England authorising the demolition of the building and destruction of the roost; or, A statement in writing from Natural England to the effect that it does not consider that demolition of the building will require a licence.  
**Reason** for pre commencement condition: To ensure that no bat roost is damaged or destroyed without the appropriate licence being obtained in accordance with the Conservation of Habitat and Species Regulations 2010 as amended. These details are required pre commencement as specified to ensure that bats are not killed or otherwise harmed by building operations.
- 6) Pre commencement condition: No works on the demolition of the existing dwelling on site shall commence until details of the replacement bat roost provisions have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type of roost provisions and their location on the site. Demolition works shall not commence until the bat roost provision designed to compensate for the loss of the existing roost has been provided on site as approved. The bat roost provisions designed

to provide an enhancement on site shall be provided as approved.

**Reason** for pre-commencement condition: In the interests of biodiversity and to accord with the recommendations of the Bat and Protected Species Survey, and Bat Emergence Survey. These details are required pre-commencement as specified to ensure that they provide satisfactory compensation for the loss of the existing roost and enhancement in accordance with the National Planning Policy Framework.

- 7) No individual dwelling hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that have been approved by the Local Planning Authority as part of this permission. 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.
- 8) Pre-commencement condition: Prior to commencement a detailed assessment of the condition of the existing surface water drainage system must be undertaken, the results of which must be submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. Where the assessment shows that works are required to be undertaken to the existing surface water drainage network, a schedule of works must be submitted to the LPA with a timetable for implementation. On completion of the repair works, a verification report must be submitted and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority, prior to occupation.  
**Reason** for pre-commencement condition: To ensure that the existing surface water drainage system is of a satisfactory condition to continue receiving surface water runoff generated from the proposed development.
- 9) If, during demolition/ development, contamination not previously identified is found to be present at the site then the Local Authority shall be notified as soon as practicable and no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy, shall be submitted to and approved by the Local Planning Authority.
- 10) Pre-commencement condition: Details of gas protection measures should be submitted to and approved, in writing, by the Local Planning Authority. The building(s) shall not be occupied until the approved measures have been implemented and this has been confirmed with the Local Planning Authority.  
**Reason** for pre-commencement condition: In the interest of the public safety and amenity.
- 11) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Demolition Construction Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for and not be limited to:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust/dirt during construction.
- h) 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.
- i) No burning on site during construction or site preparation works.
- j) Measures to minimise noise nuisance to neighbours from plant and machinery.
- k) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- l) Construction traffic and deliveries must avoid school drop off/pick up hours
- m) No driven piling without prior consent from the LPA.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason for pre-commencement condition: In the interest of the public amenity, highway safety, the environment of the site and surrounding areas.

- 12) Pre-commencement condition: Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.  
**Reason** for pre-commencement condition: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that waste generated during construction is managed sustainably
- 13) Prior to occupation, the vehicular access, on site turning areas and vehicular parking spaces as indicated on Drawing Number 17447 Rev E, must be implemented for 19 cars to be parked and for vehicles to turn, so that they may enter and leave the site in forward gear, in accordance with details that have been submitted as part of this application, and thereafter retained and maintained for that purpose unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To provide adequate visibility to achieve a safe and suitable access, in accordance with paragraph 108 of the National Planning Policy Framework.
- 14) Prior to occupation of the development, details of secure cycle parking provision and bin stores which show how the proposal responds to Secure

by Design principles shall be submitted to and agreed in writing by the Local Planning Authority. The cycle parking and bin stores shall be implemented in accordance with the approved details and thereafter retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To provide adequate facilities for sustainable transport and to reduce the fear of and opportunities for crime.

- 15) Pre-commencement condition: Prior to commencement details of the proposed footway adjacent to the site and visibility splays for the cycle access as indicated on the Drawing Number 17447 Rev E, have been submitted to and approved in writing by the Local Planning Authority.  
**Reason** for pre-commencement condition: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and policy CP9 of the ECC Core Strategy
- 16) Prior to occupation a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of a 'travel pack' which will be produced for each dwelling, providing information of walking and cycling routes and facilities, and public transport routes and timetables, car sharing schemes, and the location of local and central shopping and leisure facilities. The approved travel plan measures must be implemented to the satisfaction of the Local Planning Authority. A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority thereafter.  
**Reason:** To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraphs 111 and 105 of the NPPF
- 17) Prior to occupation, above ground works, 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 for approval in writing. 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. Furthermore, the scheme shall show how it accords with Secure by Design Principles, in particular with regard to boundary screen walls and fences. The landscaping shall thereafter be implemented in accordance with the approved scheme and programme.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of safety and amenity and reducing the fear of and opportunities for crime.
- 18) Prior to occupation, details of external lighting on the site and on the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.  
**Reason:** To ensure lighting is well designed to reduce the fear of and opportunities for crime and protect the amenities of the area and wildlife.

Informatives

1. In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to funding the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with Section 111 of the Local Government Act 1972 or a Unilateral Undertaking).
2. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
3. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).

26

**PLANNING APPLICATION NO. 18/0704/FUL - 20 COUNTESS WEAR ROAD, EXETER**

The Assistant City Development Manager presented the application for demolition of existing house and annex and construction of four new houses (semi-detached) with associated parking and infrastructure.

Peter Vance spoke against the application. He raised the following points:-

- 43 objections had been submitted from neighbours following two community meetings in respect of an inappropriate development;
- contrary to Objective 9, Policies DG1 and 4, CP4 and 17, H2 and the Residential Design Guide and is an overdevelopment, cramming four, four-bed houses where there is currently one house and annexe, adding a full storey and is monolithic and overbearing;
- the elevations rise vertically almost three metres higher than the existing dwelling, with flat roofs in a neighbourhood where pitch roofs are the norm. The design does not integrate or relate to other properties in height, shape, size or appearance;
- dominates views from all directions near and far and is detrimental to the

area's character. There is no reference to historical context or the medieval core of Countess Wear, Grade 2 listed cottages metres away, and lime kilns;

- the design, height, boundary treatment, and window configuration create significant issues of loss of privacy for neighbours on all sides;
- the ground floor frontage has four garages with seven parking spaces in front, and no habitable rooms. Cars will dominate the street scene;
- area popular with walkers, cyclists, dog walkers, and joggers;
- King George Playing Fields, Exe Valley cycle route, and Green Circle walking routes will be blighted; and
- support recommendation to refuse.

The recommendation was for refusal for the reasons set out in the report.

**RESOLVED** that planning permission for the demolition of existing house and annex and construction of four new houses (semi-detached) with associated parking and infrastructure be refused as the proposal would be contrary to Objective 9 and Policies CP4 and CP17 of the Exeter Core Strategy, Policies H2, DG1 (b), (d), (f), (g), (h and DG4 a, b, c of the Exeter Local Plan First Review and the Residential Design Guide SPD because:-

- (a) the proposed construction of four residential units would result in the overdevelopment of an inadequately proportioned site, presenting a cramped form of development unsympathetic with, and detrimental to, the character of this established residential area;
- (b) the siting scale and design of the development would have a poor relationship with, and overbearing impact on, No. 20A Countess Wear Road with adverse impacts on the residential amenities of existing and future occupiers of the property, particularly in terms of loss of outlook and overshadowing in the garden area amenity; and
- (c) by reason of its scale, height and design the proposed development would be overbearing, dominant and visually intrusive within and relate poorly to the street scene, to the detriment of the character of the area.

#### Informatives

1. In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.
2. In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26),

which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to funding the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

27

**PLANNING APPLICATION NO. 18/0707/FUL - 20 COUNTESS WEAR ROAD, EXETER**

The Assistant City Development Manager presented the application for the construction of detached dwelling with associated parking and infrastructure on land to rear of 20 Countess Wear Road.

Vanessa Skelding spoke against the application. She raised the following points:-

- 47 objections had been received including immediate neighbours and from all over Exeter, including the Exeter Civic Society;
- proposal goes against Policy CP4, 7, HG1 and DG4. The development does not fit in with the variety of existing housing types and does not demonstrate a high standard of sustainable design and was out of character with the Old Countess Wear village;
- the siting, scale and design of the development would have a poor relationship with, and overbearing impact on, Mill Road, with adverse impacts on the residential amenities particularly overlooking, loss of privacy and light from neighbours on all sides;
- volume and block-shape of this proposal is not in keeping with the adjoining buildings, with their pitched roofs; and the surrounding townscape. Use of materials would not relate to the palette in the locality;
- not in keeping with this historic area of Exeter distinctive with its lime kilns, listed thatched cottages, the paper mill and historic wharf; and
- ill-considered, oversized, disproportionate luxury home.

The recommendation was for refusal for the reasons set out in the report.

**RESOLVED** that planning permission for construction of detached dwelling with associated parking and infrastructure on land to rear of 20 Countess Wear Road be refused as the proposal would be contrary to Objective 9 and Policies CP4 and CP17 of the Exeter Core Strategy, Policies H2, DG1 and DG4 of the Exeter Local Plan First Review and the Residential Design Guide SPD because the siting scale and design of the development would have a poor relationship with, and overbearing impact on, No. 28 Mill Road with adverse impacts on the residential amenities of existing and future occupiers of the property, particularly in terms of loss of outlook and overshadowing in the garden area

**Informatives**

1. In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.
2. In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of

the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to funding the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

28                    **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the City Development Manager was submitted.

**RESOLVED** that the report be noted.

29                    **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

30                    **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 7 May at 9.30, Councillors to be advised of participants.

31                    **COUNCILLOR PETER EDWARDS**

The Chair stated that this would be the last Planning Committee for Councillor Peter Edwards, who was to retire as a Councillor at the May Elections. She thanked him for his service to the Committee over many years. She and Members wished him well for the future.

(The meeting commenced at 5.30 pm and closed at 9.06 pm)

Chair

## PLANNING COMMITTEE

Monday 24 June 2019

### Present:-

Councillor Lyons (Chair)

Councillors Bialyk, Foale, Ghusain, Harvey, Mrs Henson, Mitchell, M, Morse, Sheldon and Sutton

### Apologies

Councillors Williams, Branston and Pierce

### Also Present

Service Lead City Development, Assistant Service Lead City Development and Democratic Services Officer

32

### MINUTES

The minutes of the meeting held on 15 April 2019 were taken as read, approved and signed by the Chair as correct.

33

### DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

34

### PLANNING APPLICATION NO. 18/1120/OUT - LAND ADJOINING 46 NEWCOURT ROAD, EXETER

The Assistant Service Lead City Development presented the application for outline planning permission for development of site to provide seven residential units (three open market and four self-build plots) with access from Newcourt Road (Appearance, Landscaping, Layout and Scale all reserved for subsequent approval). He reported further objections from the Topsham Society referring to a recent application for 23 dwellings on an adjoining piece of land to which it also objected asking for consideration of development issues in the wider area.

Ms Baddeley spoke in support of the application. She raised the following points:-

- scheme could deliver housing in a sustainable location without significant impacts. The site is located adjacent to the built-up area boundary of Topsham, in a sustainable location with good connections to its physical, social and community and green infrastructure;
- development of the site will not harmfully impact on the setting of either Topsham or Exeter and there are no technical reasons, including from highways perspectives, to withhold permission;
- contributes to the Council's five year housing land supply;
- the conclusions reached by the Inspector in the appeal decision in relation to land at Clyst Road are of key importance in determining the application;
- tenure is in line with existing and emerging policy as, in addition to four of the houses being self-build, only three would be open market;
- significant financial benefits to the Council as the application will trigger a significant monetary injection to deliver affordable housing in the City; and

- request the grant of planning permission, subject to the completion of a Section 106 agreement.

Members expressed some concerns regarding traffic generation and were advised that the Highway Authority did not object as there would be minimal extra traffic from seven dwellings and that a condition requiring a footpath fronting Newcourt Road would be provided which would be replicated should the land to the north be developed. Reference was made to the continuing pressure on the 'Topsham Gap' and it was noted that the report concluded that the site did not make a significant contribution to the visual amenity of the urban fringe and that the development of this small site would not in itself lead to any material coalescence between Topsham and Exeter.

The recommendation was for approval, subject to the conditions as set out in the report.

The Service Lead City Development agreed to consult with the Chair of this Committee in respect of any subsequent reserved matters applications received for this development.

**RESOLVED** that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure an affordable housing financial contribution, planning permission for seven residential units (three open market and four self-build plots) with access from Newcourt Road (Appearance, Landscaping, Layout and Scale all reserved for subsequent approval) be **APPROVED**, subject also to the following conditions:-

1. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.  
**Reason:** To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.
2. Details of the appearance, landscaping, layout, and scale, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
**Reason:** To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.
3. In respect of those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with drawing no. 48030-GA-001 and 246:1:01 G (in respect of the access arrangements and associated replacement Devon hedge bank contained within the red lines).  
**Reason** - To ensure that the means of access to serve the development (which is not a reserved matter) are acceptable from a highway safety perspective.
4. Pre-commencement condition: Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure covered cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local

Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

**Reason:** To provide adequate facilities for sustainable transport.

5. Pre-commencement condition: No part of the development hereby approved shall be commenced until details of the footway adjacent to the site (on Newcourt Road) and crossing point on Newcourt Road, have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

**Reason:** To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and policy CP9 of the ECC Core Strategy

6. Pre-commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to 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, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, 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. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

7. Pre-commencement condition: 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 buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

8. Pre-commencement condition: Prior to commencement of the development the applicant shall submit for approval in writing by the LPA an Acoustic Design Statement. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter. The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement.

**Reason:** In the interests of residential amenity

9. Pre-commencement condition: Before commencement of construction of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this

CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

**Reason:** In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

10. Pre-commencement condition: Before commencement of the development details of a biodiversity management and enhancement programme for the site shall be submitted to and approved by the local planning authority and the programme shall be implemented and maintained thereafter in accordance with the approved details.

**Reason:** To enhance the biodiversity quality of the site.

11. No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8 am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

12. The development shall not be carried out otherwise than in accordance with a surface water drainage scheme, which shall include details of the means of attenuation and disposal of surface water from the site, including through the use of sustainable drainage systems. Details of the scheme, a timetable for its implementation and details of its future management, shall be in general compliance with Drainage Strategy Statement – Rev A dated 10/12/18, and shall be submitted to and approved in writing by the LPA prior to the commencement of development. The scheme shall be implemented in accordance with the approved details and timetable for implementation.

**Reason:** To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

13. 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.

#### Informatives

- 1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded

through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to funding the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

- 2) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).
- 4) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission
- 5) The submitted site plan (246:1:01 G) is indicative except in so far as it shows the access arrangements and it should not be assumed to show an acceptable layout.
- 5) The applicant's attention is drawn to the requirements of Network Rail set out in their emailed communication dated 16 October 2018.
- 6) The applicant's attention is drawn to the requirements of South West Water set out in their emailed communication dated 27 September 2018.

35

#### **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Service Lead City Development was submitted.

A Member asked for further information on the delegated decision in respect of Application No 17/1962/OUT – Tesco Stores Ltd, Russell Way, Exeter and was advised that a meeting between the Service Lead City Development and the Director was to be held on 25 June to discuss issues that had arisen on this application. A letter on the outcome would be circulated to the Councillors and Members of this Committee.

**RESOLVED** that the report be noted.

36

#### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

37

**SITE INSPECTION PARTY - ROTA FOR VISITS**

The report of the Corporate Manager Democratic & Civic Support was submitted.

**RESOLVED** that the circulated rota of site inspection be approved, subject to any changes during the course of the year.

38

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 16 July at 9.30 a.m. The Councillors attending will be Bialyk, Branston and Foale.

(The meeting commenced at 5.30 pm and closed at 6.18 pm)

Chair

## LICENSING COMMITTEE

28 May 2019

### Present:

Councillor Keith Owen (Chair)

Councillors Buswell, Begley, Mitchell, K, Oliver, Vizard, Warwick, Wood and Wright

### Apologies:

Councillors Branston, Henson, D, Newby and Quance, I

### Also present:

Litigation Solicitor, Principal Licensing Officer and Democratic Services Officer (MD)

### 9 **Minutes**

The minutes of the meeting held on 26 March 2019 were taken as read, approved and signed by the Chair as correct.

### 10 **Declarations of Interest**

No declarations of interest were made by Members.

### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

### 11 **Update to the Animal Licensing Policy**

The Principal Licensing Officer presented the report which considered the updated Animal Licensing Policy. He informed Members that, following the changes made by the Department for Food and Rural Affairs (DEFRA), a revised policy had been developed, which updated the existing Animal Licensing Policy, which had been approved by the Licensing Committee on 31 October 2017. The original policy had been developed following a consultation process with DEFRA in 2015, and had earned Exeter City Council a silver award from the RSPCA in October 2018.

Exeter City Council licensed a variety of animal establishments across the city, which included pet shops, riding schools and animal breeding establishments and that inspections would be undertaken by Licensing Officers with approved vets. Members were given an overview on the proposed changes to the Animal Licensing Policy, which included:-

- Conditions for animal boarding, dog breeding, riding establishments, dangerous wild animal and pet shop establishments;
- Additional conditions for dog day care establishments and the keeping of animals for training or exhibitions;
- The introduction of a scoring and risk matrix for grading establishments, to determine the length of licences from one to three years;
- The introduction of a minimum standard to a higher standard for establishments.

In response to questions from Members, the Principal Licensing Officer explained that:-

- Following national guidance, a public consultation had not been required, which had been also agreed by the Exeter City Council Legal team.
- Licensed establishments would be graded under the new regulations for minimum standards and that no licence would be given to an establishment that fell under this requirement. Some establishments may seek to attain a higher standard, to support their business. In these circumstances, further inspections would be required, but at no extra cost to the business.

**RECOMMENDED** that the updated Animal Licensing Policy be approved and Executive and Council be requested to adopt the Policy.

The meeting commenced at 5.30 pm and closed at 5.45 pm

Chair

## PEOPLE SCRUTINY COMMITTEE

Thursday 6 June 2019

### Present:

Councillor Vizard (Chair)  
Councillors Wardle, Begley, Foggin, Moore, J, Oliver, Pattison and Pierce

### Apologies:

Councillors Newby and Quance, I

### Also present:

Environmental Health and Licensing Manager, Service Lead Housing Tenancy Services,  
Technical Accounting Manager and Democratic Services Officer

### In Attendance:

15

### MINUTES

The minutes of the meeting of People Scrutiny Committee of 7 March 2019 were approved and signed by the Chair as correct.

16

### DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interest were made.

17

### QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 19

None

18

### QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER 20

None

19

### HOUSING REVENUE ACCOUNT - 2018/19 BUDGET MONITORING REPORT - OUTTURN

The Deputy Chief Finance Officer advised Members of any major differences, by management unit, between the approved budget and the outturn for the financial year up to 31 March 2019 in respect of the Housing Revenue Account (HRA) and the Council's new build schemes. An outturn update in respect of the HRA Capital Programme was also incorporated in the report in order to help provide a comprehensive financial update in respect of the Housing Revenue Account.

The 2018/19 financial year had ended with an overall net deficit of £186,889. This represented a movement of £3.9 million compared to the budgeted deficit of £4.1

million with, most notably, £3.2 million relating to a reduction in the revenue contribution required to finance in-year capital expenditure due to the extent of slippage in the programme. Delays with the Extra Care scheme and LAINGS refurbishment account for a large part of this year's capital slippage.

It was reported that there was a requirement for supplementary budgets in 2019/20 as the HRA had identified at the end of the year a number of revenue budgets that had not been spent but where a commitment was required in the following financial year. It was therefore proposed that supplementary budgets totalling £973,400 as set out in the report be submitted to Executive for approval and added to the 2019/20 budget.

The total amount of HRA capital expenditure for 2018/19 was £6,197,257, which equated to 83.4% of the revised approved capital programme.

People - Scrutiny Committee noted the report.

20

### **PEOPLE - 2018/19 BUDGET MONITORING REPORT - OUTTURN**

The Deputy Chief Finance Officer advised Members of any major differences, by management unit, between the approved budget and the outturn for the financial year up to 31 March 2019 in respect of People - Scrutiny Committee. An outturn update in respect of the People Capital Programme was also incorporated in the report in order to help provide a comprehensive financial update in respect of the People - Scrutiny Committee budgets.

It was noted that the final outturn had been calculated and the report highlighted the major differences by management unit from the approved annual budget after adjusting for supplementary budgets. The total variance for the year showed a deficit of £52,858 after transfers from reserves. This represented a variation of 1.5% from the revised budget.

The People Capital Programme showed a total spend of £470,294 in 2018/19 with £120,454 of the programme deferred until 2019/20.

The People - Scrutiny Committee noted the report.

21

### **EMPTY HOMES STRATEGY - 2019-2022**

The Environmental Health and Licensing Manager presented the report setting out the new 2019-2022 Empty Homes Strategy including key objectives, actions and methodology of achieving them.

At the end of 2018, Exeter City Council had 403 long term empty homes and approximately 1,000 households registered on Devon Home Choice looking for accommodation in Exeter, representing 0.76% homes in Exeter being classed as long term empty, below the England average of 0.82%. The overarching aim was "To bring Exeter's empty homes back into use as lived in homes".

The strategy set out an increasing annual target of bringing empty homes back into use with the action plan setting out objectives of increasing the supply of quality, affordable housing in the city and continuing to raise awareness and address issues relating to empty homes. It would have a positive impact on neighbourhoods by returning empty homes to occupation, thus reducing homelessness and the

incidence of anti-social behaviour. There were positive financial implications for the Council through New Homes Bonus paid for newly created or returned to use units of housing and through Council Tax by correctly registering properties and therefore paying the right level of council tax

People - Scrutiny Committee noted and supported the report and recommended Executive and Council adopt the 2019-2022 Empty Homes Strategy.

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### **ADOPTION OF HOARDING POLICY IN COUNCIL PROPERTIES POLICY**

The Service Lead Housing Tenancy Services presented the report setting out the draft policy in relation to hoarding in Council properties and spoke to a presentation highlighting the issues, including case studies.

Hoarding presented fire risks in property as the materials hoarded were often highly flammable as well as risks of accident and harm to the tenant and any other household members and compromising the health and safety of neighbours and the wider community. Hoarding could also lead to structural damage and clearance/repair costs to the property once vacated.

With some 48 properties identified with this problem, the Service Lead explained the role of and training for Housing and Environmental Health Officers, the latter involved more with private properties. He commended the work of the Devon and Somerset Fire and Rescue Service and the Principal Environmental Health Officer in this area.

Members discussed issues around mental health where hoarding occurred with particular views expressed where it might prove necessary to evict an individual, potentially making them homeless and incurring further cost to the public sector in support and seeking to re-house. One Member stated that, with particular reference to those with mental health issues, it was important to ensure that eviction should not occur without a guarantee of re-housing and that the policy should reflect this. Other Members felt that regard should also be had to where hoarding occurred in blocks of flats and how this behaviour could impact adversely on neighbours. Action was sometimes needed to also ensure the safety and wellbeing of the tenant and secure the long term condition of the home.

In the last eight years there had been just one case of eviction, the individual concerned being ultimately re-housed by the Council.

A Member moved that the policy be amended to ensure that where eviction is deemed necessary, the Council undertakes to ensure that a hoarder is not made homeless but found other, more suitable housing options. The motion was seconded put to the vote and lost.

Members asked that the thanks of this Scrutiny Committee to the Principal Environmental Health Officer and the Devon and Somerset Fire and Rescue Service be recorded.

People - Scrutiny Committee noted and supported the report and recommended Executive and Council adopt the Hoarding in Council Properties Policy.

(The meeting commenced at 5.30 pm and closed at 6.34 pm)

Chair

DRAFT

## PEOPLE SCRUTINY COMMITTEE

Wednesday 26 June 2019

### Present:

Councillor Vizard (Chair)  
Councillors Begley, Moore, J, Oliver, Pattison, Pierce and Quance, I

### Apologies:

Councillors Wardle and Foggin

### Also present:

Director (JY), Active & Healthy People Programme Lead and Democratic Services Officer

### In Attendance:

Councillor Phil Bialyk - Leader  
Councillor Amal Ghusain - Portfolio Holder for Equalities, Diversity and Communities

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### APOLOGIES

These were received from Councillors Foggin and Wardle.

24

### DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interest were made.

25

### QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 19

None.

26

### QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER 20

None.

27

### COMMUNITY AND ARTS GRANTS REVIEW

The Portfolio Holder for Equalities, Diversity and Communities introduced the report which described the public consultation on the proposed Exeter Grants Programme, highlighting feedback themes and proposing a revised Grants Programme to replace the current core, rent, city and grass roots grants. The report included:-

- The proposed Exeter Grants Programme;
- The report of the consultant - Red Quadrant;
- Equalities Impact Assessment : Exeter Community Grants Programme;
- Equality Impact Assessment - Exeter Community Grants Programme Transition Impacts on previous grant receiving organisations; and
- Summary of Issues Resulting from the transition from the Old to New Grants Programme.

The Director spoke to the presentation setting out the process for modernising the community and arts grants programmes following the commissioning of Red Quadrant to undertake a review and listening exercise in 2018 and further consultation in March 2019 with community groups and organisations on the draft proposals. A strong consensus had emerged for a single city fund and the Director explained the proposed framework, governance, priorities and timetable for implementation. The presentation detailed the proposed breakdown of the total Community Grant Programme of £1,065,000 into the following five grant categories:

- Exeter Ward Grants;
- Exeter Community Buildings Fund;
- Exeter Small Grants Fund;
- Exeter Large Grants Fund; and
- Exeter Move More Small Grants.

The Grants Programme would be resourced by the Neighbourhood Proportion of the Community Infrastructure Levy (CIL), the New Homes Bonus and funds other than the General Fund.

An Independent Information, Advice and Advocacy Service would be created to help and advice residents with a particular focus on increased digital inclusion and an Exeter Voluntary and Community Sector Support Service would be established to provide practical support and training. It would have a key monitoring role in the grant giving process to ensure that application processes are simple and easy to access and encouragement given to underrepresented groups. Crowdfunding and digital platforms would help engender collaboration and new models of delivery. Tender bids would be invited for this process.

The Director further explained that an Exeter Grants Panel, membership to reflect the political make-up of the Council and with two community representatives and advisors would be established, responsible for strategic direction and ensuring that grant awards are made in line with the framework. In addition, a one-off start-up budget of £30,000 would be necessary to commence the initial processes including the commissioning of a simple to use website.

The Leader endorsed the transition to a new grant making process, highlighting the six priorities of:

- address inequalities;
- improve health and wellbeing;
- get people active;
- support communities working together to address local needs;
- encourage volunteering; and
- improve where we live.

He referred to the City Council's commitment to maintaining a robust grant giving programme for Exeter of over £1million. He also reported that the remaining Exeter Town and Parish Council Grant of £89,367, originally a joint funding initiative with the County Council, had been passed to Exeter City Council, and would be spent to aid the transition arrangements to the new grants programme. One-off grants to help support core running costs would be allocated to Ex Access and Devon Rape Crisis, both organisations providing services to vulnerable groups with protected characteristics under the Disability Discrimination Act (2010).

In addition, £25,000 would establish an additional Young Persons Small Grant Fund to be launched alongside the Exeter Grants programme to support grass roots projects generated by young people and £24,369 would be held in reserve to cover any particular unidentified emergency need that could emerge in 2019/20 from a group or organisation.

The Leader, Portfolio Holder and Director responded to Members' queries.

The start off budget of £30,000 was to assist initial mobilisation, in particular the creation of a website, a decision yet to be taken on the means of delivery. In the spirit of seeking to encourage community and voluntary participation in the new process, some assistance with expenses could be given to the community representatives on the panel whose independent contribution as specialists would be of great value. To proceed quickly with mobilisation, it was not considered appropriate for governance arrangements to be reviewed by Scrutiny Committee, the Leader undertaking to ensure that the Panel did engage Scrutiny Chairs as appropriate. He referred also to the monitoring role of the Exeter Voluntary and Community Sector Support Service which would also be facilitating an annual community conference where issues could be raised and to the annual Panel report on the programme. The Panel would also undertake any necessary adjustments during the year should these be necessary.

The Leader and Director clarified the match funding proposals within the different grant categories confirming that the term was not prescriptive and that the use of specific resources rather than actual funds would also be acceptable, as appropriate. The Director stated that sustainable support could embrace many alternative sources and funding packages, including, for example, crowdfunding. She also highlighted that the strategic city fund was a first step to securing additional investment through external partners and funders who could be seeking to offer added value and leverage for their own funds where sought by communities. A flexible approach would be necessary and this would apply also to nascent organisations who would seek some guarantee of Council funding to kick start their plans as well as more established groups who would look to a recognised funder in the first instance in order to build momentum for their projects. The Leader assured Members that these and other issues would be kept under review as the programme progressed.

For ward grants, for which £65,000 had been identified, the "sub-committee" determining bids would be the three respective ward Councillors. Community buy in to the bids was important and Members asked for guidance to be provided on the governance of this aspect of the grants programme.

People Scrutiny Committee noted and unanimously supported the revised Exeter Grants Programme in the light of feedback from the comprehensive public consultation process and the amendments made to the original proposals noting the actions taken to support organisations in the transition from the old to the new system and requested Executive to:-

- (1) support the report and recommend Council adopt the proposed Exeter Grants Programme and allocate a start-up budget of £30,000 from the New Homes Bonus Local Community Reserve to mobilise the new Exeter Grant Programme;
- (2) support the report and recommend Council approve the creation of the Exeter City Fund from the sources described and notes that the extensive listening and consultation process had enabled the Council to seek views on

spending priorities with regard to the Neighbourhood Portion of the Community Infrastructure Levy in line with CIL Regulations 2010 (Regulation 59F) and the underpinning Planning Practice Guidance (PPG Paragraph 73); and

- (3) recommend Council approve the establishment of the Exeter Grants panel to provide strategic oversight and leadership of the Exeter Grants Programme.

(The meeting commenced at 5.30 pm and closed at 6.35 pm)

Chair

DRAFT

## PLACE SCRUTINY COMMITTEE

Thursday 13 June 2019

### Present:

Councillor Sills (Chair)

Councillors Buswell, Atkinson, Henson, D, Lyons, Moore, D, Moore, J, Owen, Pattison and Williams

### Also present:

Director (DB), Environmental Health and Licensing Manager, Interim Principal Accountant (AR) and Democratic Services Officer (SLS)

### In Attendance:

Councillor Harvey

- Portfolio Holder for Environment & City Management

Councillor Pearson

- Portfolio Holder for Leisure & Physical Activity

Councillor Sutton

- Deputy Leader and Portfolio Holder for Climate & Culture

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### MINUTES

The minutes of the meetings of Place Scrutiny Committee held on 15 March and 26 April 2019 were taken as read, approved and signed by the Chair as correct.

25

### DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interest were made.

26

### QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 19

In accordance with Standing Order 19, a member of the public submitted a question on the Council's Air Quality Action Plan and a number of local residents submitted questions in relation to the Exeter Skate Park facility (Attached as an appendix to these minutes).

A copy of the questions had been previously circulated to Members, and these, together with the responses from Councillor Sutton, Deputy Leader and Portfolio Holder Climate & Culture and Councillor Harvey, the Portfolio Holder, for Environment and City Management are appended to the minutes.

27

### REVIEW OF ENVIRONMENTAL HEALTH AND LICENSING STATUTORY SERVICE PLAN 2019/20

The Environmental Health and Licensing Manager presented a report which sought approval for the adoption of the Environmental Health and Licensing Statutory Service Plan 2019/20, which sets out the Council's regulatory function in respect of food safety, health and other licensing, environmental permitting and other statutory functions over the forthcoming year. He referred to the Statutory Service Plan which incorporated:-

- the service aims and objectives;
- information about all enforcement and related services provided by the Council's Environmental Health and Licensing Service;
- the Action Plan for 2019/20 detailing the actions and improvements for the service in an effective, risk based, proportionate and consistent way over the following year, and the
- financial arrangement for providing the service.

The Environmental Health and Licensing Manager also listed a number of notable achievements and the challenges his team had faced during 2018/19.

- the delivery of the Environmental Health and Licensing Service at a cost of £3.73 a head of the population.
- despite a difficult year in terms of the operational requirements, the Service had been ranked Number 1 in the Association of Public Service Excellence (APSE) whose aims were to promote excellence in the delivery of frontline services to local communities.
- 544 food businesses were inspected with a target inspection rate of 93% achieved during the year as at 31 March 2019. All premises had now been inspected.
- 428 inspections of Housing in Multiple Occupation (HMO's), were carried out.
- 3,695 requests had been received for investigation of complaints relating to a number of the service areas included food safety, health and safety, air quality and licensing.
- met the growing demands of their obligations to address anti-social behaviour and statutory nuisance.
- 15% of the 115 food samples taken, were found to be in a unsatisfactory to borderline classification.
- 565 delegates had attended education and awareness sessions run by the Service on a range of topics which included food hygiene.

The Chair also wished to highlight a number of areas of note, which included the replacement of air quality monitoring equipment, development of a new Air Quality Action Plan. The Service had undertaken two mystery shopping exercises to continue to drive up standards within the Hackney Carriage and Private Hire taxi trade, as well delivery of Disability and Dementia Awareness training for licenced taxi drivers to better understand the challenges faced by some of their passengers. He congratulated the Environmental Health and Licensing Manager and his team for delivering an array of important front line services despite the challenging financial situation external pressures placed upon them.

In response to Members' questions the Environmental Health and Licensing Manager stated the following:-

- new equipment at the air quality monitoring sites at the RAMM and in Alphington Street had been replaced during the course of last year. Data from the RAMM site was collated for the national monitoring network, overseen by DEFRA and provided high quality, reliable data on nitrogen dioxide, ozone, PM10 and PM2.5. Data on PM10 and PM2.5 was collected at Alphington Street. He would ensure that the location of the NO2 diffusion tubes network was sent to Members.
- the height of the monitoring stations were in line with national guidance. He would speak to the Senior Technical Officer to provide further information to the Member.

- monitoring of the city's air quality was the subject of a separate report and would be presented to the Place Scrutiny Committee later in the year. Although there was no legal requirement for District Authorities to have fixed air quality monitoring stations, the City Council should be commended for their decision to update the equipment to ensure that monitoring continued.
- there were elements in respect of the Air Quality Action Plan that the City Council did not have any direct control over as by its very nature, air quality did not have any borders. The City Council had declared an air quality management of the areas of the city with exceedance, but there were a multitude of partners with a wider programme of work taking place. Each of the local authorities and also individuals had a responsibility to enact some behaviour change in their mode of transport and that was something that had to be worked on as a society.
- it was not considered cost effective to provide trained staff for the two private water supplies, but there was trained support from neighbouring authorities with a greater number of such water supplies. A comment that the approach was taken for cost sensitive reasons was noted.

A Member commented on the Council's taxi operations and efforts made by officers to oversee the level of service provided to the public. The positive results of the recent mystery shopping exercise bore out the increasingly positive effect of the quality of the taxi service in the city. He also congratulated the team on the national APSE ranking. The Environmental Health and Licensing Manager stated that this included those authorities which participated and offered information on a whole range of services from all across the country, and Exeter City Council had been ranked number 1 for the lowest per head of population value for money.

The Environmental Health and Licensing Manager provided the following response to Members:-

- penalty enforcement related to offences to property used for multiple occupation. (HMO). There are no current plans to review the Council's enforcement policy to include those car users, found to be idling their vehicles.
- the air quality data for 2018 included in the Plan would be submitted to DEFRA to be audited at the end of June, and the detail which would include any comments would be reported back to Place Scrutiny Committee.
- the low Emissions Strategy was borne out of funding from DEFRA for work undertaken in 2014/15, but unfortunately as time passed the data was becoming outdated, but further reporting on particulate matter would be considered by the Committee when the Air Quality Action Plan was discussed later in the year.

Councillor D Moore suggested a reduction in the exceedance of air quality rather than just recording the data would present an opportunity for a change in the right direction. She proposed the following recommendation, that a reduction in the number of roadside locations that exceeded nitrogen dioxide (NO<sub>2</sub>) should be a clear objective for review the coming year. Councillor J Moore seconded the proposal. Following a vote on the proposal, the proposal was lost.

Place Scrutiny Committee supported and requested Executive to recommend approval by Council of the Statutory Service Plan 2019/20, and the Environmental Health and Licensing Manager be authorised to change the Statutory Service Plan in the light of centrally issued guidance and/or to meet operational needs.

Members also wished to congratulate the Environmental Health team in recognition of the team's hard work and achievement and in particular the winning of the APSE award.

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### **BUDGET MONITORING 2018/19 OUTTURN**

The Interim Principal Accountant (AR) presented the report which advised Members of any material differences, by management unit, between the approved budget and the outturn for the financial year up to 31 March 2019 in respect of Place Scrutiny Committee. It was noted that the final outturn had been calculated and the report highlighted the major differences by management unit from the approved annual budget after adjusting for supplementary budgets approved by Members during the year. The total variance for the year was provided and a brief description of the results including a more detailed update on the Environmental Health Service was given. Attention was drawn to the Section 151 comments of the Chief Finance Officer and the significant underspend in the areas of attention of this Committee for 2018/19 that were specific to the year, and as a result a request would be made to Council for supplementary budgets totalling £856,000 to be taken from the underspend and carried forward into the new year 2019/20, leaving the working balance at £4.395 million, £1.708 million more than budgeted for.

An outturn update in respect of the Place Capital Programme was also incorporated into the report and detailed a total spend of £7.785 million in 2018/19 in respect of the Place Scrutiny Committee budgets. It was proposed to carry forward budgets totalling £3.185 million to be spent in future years.

The Interim Principal Accountant responded to a Member's question relating to the fee income of the Planning Service and stated that the carry forward of income requested could resource an increase in the legal staff to expand the service capacity. He also explained that such carry forward requests often arose because the requirement for a local authority to reflect a balanced budget meant that the books were closed at midnight on 31 March and re-opened on 1 April each year, which did not impact most services, but some activities (for instance longer term growth or commercialisation projects) did not neatly start and end on those dates.

Place Scrutiny Committee noted the report.

29

### **APPOINTMENT OF LEGACY LEISURE WORKING GROUP**

The following Member appointments were made for the Legacy Leisure Working Group for the forthcoming Civic Year:-

Councillor Pearson  
Councillor Buswell  
Councillor D Henson  
Councillor J Moore  
Councillor Pattison

Place Scrutiny Committee noted the appointments for the Legacy Leisure Working Group.

To receive the minutes of the Exeter Highways and Traffic Orders meeting held on 9 April 2019.

(The meeting commenced at 5.30 pm and closed at 6.55 pm)

Chair

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## Minute 26

### **PUBLIC QUESTION RECEIVED for Place Scrutiny Committee – 13 June 2019**

from a local resident in Summer Lane (they were not in attendance at the meeting)

#### **Question**

The ASB from some skaters on the park throwing stones at our home and garden plus the ASB in the pedestrian tunnel and attempted property access by skaters in Summer Lane (all which have been reported to the police), causes me to ask the members this question!

What is being done to educate and create a sense of attachment in the minds of the skaters to the new park facility; if there is, it's obviously not working! So I would like ECC to fit several permanent notices around the park's fencing to inform the skaters that all forms of ASB in the park and just as importantly in the surrounding access roads will force the closure of the park for limited periods?

This I feel sure will focus their minds to either intervene, stop or report ASB whenever they witness it and help protect it for everyone or risk losing it.

#### **Response by Councillor Harvey, Portfolio Holder Environment & City Management**

Councillor Harvey offered thanks for the question which raises a good point. In our experience closure of the skate park for periods due to ASB is unlikely to have any effect on the minority of people causing ASB in the area. Locking the skate park will simply result in skaters climbing the fence to gain access.

However there may be benefit in notices making the point you suggest, and little to be lost by trying this.

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## Minute Item 26

### **PUBLIC QUESTION RECEIVED for Place Scrutiny Committee – 13 June 2019**

From a local resident in Kingsley Avenue (they were not in attendance at the meeting)

#### **Question**

Please note; that as a signatory of the recent petition; I never wanted to stop the skate park; only that it should be done properly; however the absence of a safety barrier for the raised level, seems a real mistake!

My question is to request this committee investigate fully the option for a suitable single barrier to be constructed along the south, south west & south east section of the new Arena skate park project.

This barrier would not only address the real “Health & Safety” concerns with the parks design (as mentioned by the skaters using the park), but it would also solve at least four other major disruptive issues that this expanded facility has introduced to the local communities living nearby.

#### **Response by Councillor Harvey Portfolio Holder Environment & City Management**

Councillor Harvey responded and advised that the design and subsequent ROSPA safety inspection found no requirement for a barrier for safety reasons.

The investigations by our Environmental Health Team to date have not substantiated a statutory nuisance. Despite this we are still trying to establish if noise mitigating measures are possible, potentially by screening of some form which may well be incorporated into the pedestrian cycle bridge which the County Council are intending to construct.

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## Minute 26

### PUBLIC QUESTIONS RECEIVED for Place Scrutiny Committee – 13 June 2019

From local residents in Summer Lane (in attendance)

*Bullet points are comments copied and pasted directly from the Planning Submission for the scheme (taken from the ECC Planning Portal). Numbered Statements / Questions relate to each bulleted comment. We would like comment / assessment of the validity and basis of comments,*

- (A) It is considered that the new facility would represent no significant increase in noise, disturbance or overlooking compared to the existing stake park.
- 1. How is this determined? By whom / and by what measure? Does significant NOT include relentless loud crashes of solid objects against solid objects, with associated times in no way limited to offer local residents any respite? (No previous activities within the park, gave any opportunity for 'overlooking.'). Nor were such activities a constant (noise) back drop for this community.
- (B) In terms of anti-social behaviour, the car park gates will be locked overnight, and the increased use of the site may prevent anti-social behaviour due to increased surveillance. The lighting will be turned off at 9.30pm, clearly signalling the skate park is closed.
  1. This assumption, only describes ASB within the park? Where is the 'surveillance' and locking of park overnight? This does not happen.
  2. This only provides a 'clear signal' that the lights have been turned off?
  3. Use of the park often continues until much later into the night, or continues in the adjacent pedestrian tunnel, which is lit 24 hours.
  4. Why no provision / mitigation for ASB for pedestrian tunnel at Summer Lane, which is lit for access 24/7? This pedestrian access is now considered part of the park, by skaters, due to the 'barrel' shape of the tunnel, and the collective disregard for the neighbouring residents demonstrated by these same people. (It is lit 24/7 and is used whenever the weather is wet and when skaters have left the park.)
- (C) Current Police statistics <https://www.police.uk/devon-and-cornwall/DEV.4059/crime/stats/> Show a 32.98% increase in ASB in Pinhoe district over the last April – April period...

The 'replacement' of the skate park equipment and addition of flood lights 'seems' in itself unlikely to increase any anti-social behaviour.

1. It was not a 'replacement' it was an expansion of the scale, length and height of the equipment.
- (D) It is 'considered' that there is insufficient evidence to suggest any significant increase in anti-social behaviour to warrant refusal, and any such behaviour would continue to be dealt with by site management and police.
  1. Where / who is the site management, Aren't the police overstretched already? The 'committee' cannot assure that police patrols will monitor the park regardless of commitments elsewhere? The police can ever only provide a reaction to events, dealing

with any event, retrospectively, does nothing to alleviate the mental strain of its relentless likelihood

2. 'Insufficient evidence' surely depends on where the 'evidence' is gathered and by whom?
- (E) The original skate park used box frame construction, which could amplify sound as the skates and bikes landed on ramps. The new skate park is in-situ cast concrete, so will be considerably quieter. Ambient noise from the adjacent road and railway will mask noise generated on the site.
    1. The new skate park is significantly larger, the ramps have been brought much closer to the residents on the South side of the railway. They have also been significantly increased in height and length.
    2. Although these elements were NOT made clear to local residents, there was a drawing on the Portal, The drawing gave no point of reference for any dimensions, (Datums.) It also omitted to give any indication of relationship (in elevation) to the railway embankment, which concealed all but the most extreme noise from the adjacent residential area. The fundamental issue of noise is caused by the increased height of the ramps already on a location which is higher than the residential amenity due to the gradient increase in relation to the south side of the railway embankment.
    3. A query was raised by a local resident, regarding skatepark heights, in relation to the existing car park, no further information was offered from E.C.C?
    4. The in-situ concrete is not quieter. Perhaps, as previously requested, an explanation justifying this assumption, could be offered? (Skateboards striking concrete create less noise than when striking timber?)
    5. The traffic on the road highlighted is inconsistent? It will be busy during 'rush hour.' When people go to and from work / School. The road narrows to a single lane at the Railway bridge, where vehicles have to slow down, then wait to negotiate this bridge in turn?
  - (F) Particularly considering the other leisure uses nearby and disturbance caused by the railway line. The proposal would be an enhancement on existing facilities providing a valuable community facility, outweighing any potential harm to residential amenity, and should therefore be approved.
    1. What leisure users 'nearby' are every day, and are carried out until, 'officially' 21:30 pm?
    2. Exactly what 'disturbance' is caused by the railway line? (Two trains pass the location per hour, one in each direction, taking 8 seconds approximately to pass?)
    3. The traffic on the road highlighted is inconsistent? It will be busy during 'rush hour.'
    4. When people go to and from work / School. The road narrows to a single lane at the Railway bridge, where vehicles have to slow down, then wait to negotiate this bridge in turn?
    5. When the park is most noisy, in the evening, when older 'youths' and adults use the park, they are larger and create more noise, just when the traffic is at its most sporadic and infrequent.
    6. Ironically, the very time when residents are most likely to want to use their own outside space?
    7. The road is a residential one, with speed humps, and a 20mph speed limit. The traffic is significantly lighter in the evenings and on Sundays in particular, how then, can such an 'irregular' and 'inconsistent' factor, be cited as appropriate protection, where the noise of the activities it is claimed will be 'masked,' are not only of a completely different type of noise, but are invasive, loud and are an unavoidable part of the very activity encouraged within the park?

8. The term 'potential' harm? Can anyone comment on the realities of the 'Actual' Harm, now being experienced by the community? Would anyone seeking to be able to access their homes and relax within them, without fear of disturbance or potential confrontation, consider this deterioration in the 'actualities' of their neighbourhood, is 'outweighed' by the provision of a facility, which borders the homes of people most unlikely to make use of it, or benefit in any way.
  - (G) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.  
Reason: To protect the amenity of the locality, especially for people living and/or working nearby.
1. Is this consideration only relevant during construction? As this statement relates to noise disturbance to local residents? Why is the noise created by the activity itself, of skate boarding etc, which fundamentally involves crashing eqpt into solid structures from height, not considered invasive or disturbing to local residents? In any event, it is worth reiterating that there are NO commercial locations adjacent to the skate park, the noise and associated ASB is a problem for anyone living near the facility every hour of every day.
  - (H) The anticipated / intended increased use of the facility means increased numbers of users in the locality at all hours of the day and night. Elements of these park users are disruptive and are consistently showing no regard for people living close to the facility. The E.C.C have chosen to ignore any 'concerns' raised. There is absolutely no evidence to suggest consideration for those living next to this facility from any standpoint, whether it be noise disturbance, or the 'predicted' ASB.

Why?

### **Response from Cllr Harvey Portfolio Holder for Environment & City Management**

Councillor Harvey thanked the resident for presenting these questions in person. The revamped Skate Park has proven to be hugely popular with the young people of Exeter and has received overwhelming support on social media. We do however acknowledge that a small number of residents in the area close to the skate park have raised concerns about the noise generated by the enhanced facility. We have been working on mitigating measures for some time and continue to do so.

Many of the 20 questions raised, relate directly to a planning application which was determined at committee on 29 October 2018. These are issues which should have been raised during the planning process and to do so now when the application has been passed and the facility has been built does not help to move us forward.

He summarised the planning process to date. The application was submitted mid-August and as part of the planning process consultations were sent to the relevant bodies, these being Network Rail, Environmental Health and County Council Highways.

Letters were also sent to 52 neighbouring addresses and objections were received from two residents, along with comments from a third. Issues raised included existing anti-social behaviour and potential for the application to increase, noise, overlooking, and drainage.

At Delegation Briefing the Members were supportive of the application, but noted that it needed to go to planning committee as it was a City Council application with objections.

The objections were summarised in the officer report to committee. However no objectors chose to speak in person at planning committee and so members reached their decision on the basis of the drawings, supporting information and the officer report. The development has been constructed in accordance with the agreed plans.

Councillor Harvey said that he was sorry if the resident felt that the submitted plans did not make any aspect of the design sufficiently clear. However Member's had adequate information to determine the application and due process was followed. The planning process is now complete, and as with all planning applications the decision cannot be re-opened once determined.

#### Continued noise

Councillor Harvey said that he understood that from the Environmental Health Team that their investigations to date have not substantiated a statutory nuisance. A statutory nuisance can be described as an act that causes unreasonable and substantial interference in the use and enjoyment of one's property. There are no set levels, or times of the day, which determine whether noise is a statutory nuisance; officers use their professional judgement to assess each noise incident. When deciding whether a statutory nuisance exists, officers consider factors such as the frequency and duration of the disturbance, the times it takes place, and whether it is in context for the area.

In the case of noise from the skate park, despite asking, officers have not received detailed information from anyone about the frequency, duration and timing of the noise affecting you. They have therefore based their judgement on observations they have made of skate park use levels as well as the noise when they have visited neighbouring properties. Based on this, although the noise is recognised to be disturbing at times, officers do not consider that it would prevent normal use of the garden on a regular, prolonged basis.

If the skate park were a private business we would therefore not have any grounds to take enforcement action.

The old skate park generated noise and the new park generates noise but it is difficult if not impossible to quantify the increase. However we do recognise that a small number of residents feel strongly about the noise from the skate park, so despite there being no evidence to back up a claim of statutory nuisance, the Councils Engineers have been looking at potential ways of reducing noise from the skate park. These investigations are ongoing and have not yet yielded any practical measure which can be undertaken prior to the construction of the new bridge. Collaboration is ongoing with the bridge designers to examine if effective measures can be incorporated into the new bridge.

#### Anti-Social Behaviour

Anti-social behaviour in this area occurred prior to the redevelopment of the skate park and continues to do so now. We have been liaising closely with the Police over antisocial behaviour in the area and they have increased their patrols and have moved people on from the pedestrian tunnel. This is however part of the public highway and free for anyone to use.

We are exploring funding to erect a shelter on site to reduce the use of the tunnel during inclement weather conditions.

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#### **(H) Question from local resident**

The resident stated that his presence at the meeting had been forced upon me because of the extremely poor engagement given by all council officials (except for Cynthia Thompson). Those involved with the planning and implementation of this project; have left myself and others disillusioned and distrusting local democracy.

The only communications received was from back room departments, and this was only after persistent questioning; and proved to be the usual “corporate style” statements; with no supporting evidence; and it was these same statements that mislead the full council into approving the scheme as being a like for like replacement, apart from flood lights.

My question asks this committee to please source the evidence that supports these statements and make it available for scrutiny; only then will the truth show how Mr Faulkner's conclusions were based on dubious assumptions. Why even the experts Maverick's who were commissioned because of their experience, illustrate on their own website how all their other skate parks are situated well away from homes; a fact also reinforced by the BBC programme “street patrol”.

#### **Response from Cllr Harvey Portfolio Holder for Environment & City Management**

Thank you for the further question and Councillor Harvey said he was sorry that the resident felt there had been poor engagement from the Council officials. He had seen the numerous responses provided by Council Staff to the large number of emails sent exclusively from two residents. The emails asked a large number of detailed questions, were addressed to a wide number of different individuals and departments within the Council and came in quick succession. He was not quite sure what was meant by ‘back room departments’ but the responses mainly came from the lead technical officers in each case and they did their best to respond in a full and comprehensive way.

The supporting information for the planning application for the skate park was publically available as part of the planning process. Due process was followed and the Committee members had all the information they needed to make an informed decision on the proposals to redevelop the skate park. It was clear at all times that the replacement skate park would be on a larger footprint, of concrete construction, and have elevated sections. This decision cannot be re-examined under current planning law.

As previously mentioned we are looking at ways to mitigate the concerns of a small number of local residents and we continue to do so.

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## PLACE SCRUTINY COMMITTEE

Tuesday 18 June 2019

### Present:

Councillor Sills (Chair)

Councillors Buswell, Atkinson, Henson, D, Lyons, Moore, D, Moore, J, Owen, Pattison and Williams

### Also present:

Chief Executive & Growth Director, Director (DB), Programme Director Exeter City Futures, Corporate Energy Manager, Principal Project Manager (Development) (HS) and Democratic Services Officer (SLS)

### In Attendance:

Councillor Sutton Deputy Leader, Portfolio Holder Climate and Culture

Tony Norton Head of the Centre for Energy and the Environment, University of Exeter

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### DECLARATION OF INTERESTS

No declarations of disclosable interest were made.

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### QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 19

In accordance with Standing Order 19, a member of the public submitted a question in relation to a date by which the Carbon-Neutral Mandate Group will report back.

A copy of the question had been previously circulated to Members, and this, together with the response from Councillor Sutton, Deputy Leader and Portfolio Holder Climate and Culture are appended to the minutes.

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### TOWARDS CARBON NEUTRAL EXETER

The Deputy Leader and Portfolio Holder for Climate & Culture introduced the report and referred to the declaration made by Exeter on the 15 March 2019 to make Exeter a Carbon-Neutral City by 2030. This ambition was aligned to the vision for the city and the report offered Members an update of what had already been achieved in the transition to a low carbon economy. The report also included a paper by Exeter City Futures Community Interest Company (ECF CIC) entitled "Towards a Carbon Neutral Exeter" which provided an overview of the approach to enable the city to become carbon neutral. The City Council had made a clear commitment borne out by the significant expansion of her Portfolio to include climate change. She introduced key speakers and colleagues from Exeter City Futures, Exeter University and Exeter City Council and referred to a number of recommendations in the report for the next steps that Exeter City Council should take in order to become carbon neutral. The City Council had already made a number of significant changes in the way they worked, as well as a commitment to work in concert with other partners and stakeholders.

The Programme Director Exeter City Futures provided some context to the report and the shared vision for the future of the city that would enable the population to thrive. The vision that has been captured through engagement activities and included vibrancy, quality of life, ability to access services, clean air, with open spaces for children to play in and protection of the biodiversity. Exeter City Council had now made a commitment to ensure that Exeter should extol best practice in respect of projects and structures with strong partnerships in place with individuals, communities and businesses. The local authority had made a clear commitment to the operational reduction of carbon, but whilst it was acknowledged that it had not progressed as quickly as it would have wished, she was pleased to see that many of the features of those leading cities had been replicated in Exeter. This all represented a massive challenge which would include the following for Members to consider:-

- the creation of a road map that was owned by the city, to show what we need to do, to achieve a carbon neutral status as well as reflect the needs and priorities of the people who live in the city and she referred to the Exeter City Futures '12 Goals'.
- the City Council which had made a clear commitment about their own carbon emissions reduction and had committed some resources, energy and skills to achieve that to develop the road map.
- the creation of the Carbon Neutral Mandate Group which would ensure that the voices of people were heard, and offer an objective body to hold the city to account in delivering the agreed roadmap. Exeter City Futures provided a shared governance structure and partnerships and this was now ready to move forward with action and coordination of demonstrable projects to make that happen.

The Corporate Energy Manager made a brief presentation and included the detail of over 20 major energy saving projects that had been delivered by the Council's Energy Team for the Council's corporate estate. Their initial aspiration was to stem the rising energy costs of the local authority, but more latterly the approach had also been to address the Council's carbon emission output. Members had previously agreed to support a number of commercially deliverable projects on the Council's own estate, on an invest to save basis. The projects included the installation of LED lighting, energy efficient handdryers, solar panel canopies on two of the city's car parks and other solar PV projects, including a large array at the Livestock Centre roof which was now energy self-supporting as well as holding a supply of renewable energy to share. There had been a 34% reduction in carbon emissions from a change to the Council's own electric fleet, and a 37% drop in energy consumption at the Civic Centre overall. She confirmed that the Council had also received notification of a grant support for a project that would involve a solar array near the Exton Road operational depot and the Materials Reclamation Facility. The work would also include an additional battery storage facility and the significance of the project would enable an EV charging facility for the Council's refuse fleet – thus saving carbon emissions of approximately 917 tonnes per annum, as well as helping to reduce air pollution in the City. A copy of the presentation is attached to these minutes.

The Principal Project Manager (Development) referred to the Core Strategy Development Plan Document which sets out the policies to guide future development and change in Exeter and included consideration of renewable and low carbon energy. It was important to take advantage of the changing technology

such as District Heating, but these were expensive long term projects that could be difficult to deliver and also required working with local partners and Central Government. He presented a map of Exeter's locally available heat sources and density of heat demand which were in the four locations of Cranbrook, the M5 corridor at Monkerton/ the north part of Pinhoe/ Science Park, the centre of the city and around the RDE, and then South West Exeter and Marsh Barton. A copy of the presentation is attached to these minutes.

Tony Norton, Head of the Centre for Energy and the Environment from the University of Exeter made a presentation to share his understanding of the energy market and the challenges to deliver a carbon neutral city with Members. He made a number of observations about the report from the Committee on Climate Change entitled Net Zero, which provided recommendations to the Government on the date for a net-zero emission target in the UK, as well as a detailed analysis for each sector of the economy, and how the country could achieve net zero emissions by 2050. He was able to offer an insight into the report's baseline data, the sectors within the city and a sense check on the national policy context that would shape the energy market and policy. He explained a number of scenarios for the net zero status by 2050 with a gradual rise to 80% by 2030 and the further more challenging ambition to reach 96% by 2050, and the more speculative option of the high cost and barriers to public acceptability to take the level to 100%. The Chair thanked Tony Norton for a very comprehensive presentation, which is attached to these minutes.

Questions put by Councillor J Moore and Councillor D Moore with responses by the Deputy Leader and Portfolio Holder for Climate & Culture, Councillor Sutton.

- **What advantages are there to having Exeter City Futures, a Community Interest Company, leading on carbon neutral Exeter as opposed to council staff?**

Exeter City Futures had been established at a time of significant cuts to funding by Central Government, and alternative ways of working in the area of carbon reduction were identified. Local authorities were encouraged to work with other partners and stakeholders to lever in innovative investment and funding. Members had agreed to commit the resources for the ECF delivery team and Liz O'Driscoll was appointed as the Programme Director Exeter City Futures and lead. Her appointment had provided the necessary level of scrutiny and the advantage of ECF's Community Interest Company status meant that the expertise of key partners such as the Royal Devon & Exeter (RD&E) Hospital, Devon County Council, the University of Exeter and Exeter College could be drawn upon. The Programme Director Exeter City Futures was based at Broadwalk House and the Civic Centre.

Councillor J Moore in responding was concerned that by using Exeter City Futures, the City Council was in effect outsourcing an important issue which could adversely impact the Council's ability to review its policies and plans associated with reaching the carbon neutral targets and she suggested Members have some training in this regard. The Programme Director Exeter City Futures advised that carbon reduction was a key Council goal and remained the responsibility of the Council and the formation of Exeter City Futures had been agreed through the Council's democratic process, but ECF did not have any decision making powers. Exeter City Futures was responsible for dealing with the carbon neutral commitment of the city as a whole and the peer alignment with Devon County Council, the RD&E Hospital, University of Exeter and Exeter College was very helpful. She invited any Member to contact her to arrange to meet to discuss any aspect of her work.

- **Certain priorities are set out in ECF's 12 goals. What priority is given to trees and green spaces in reaching the carbon neutral 2030 target?**

The 12 goals all related to delivering carbon neutrality and the initial focus of Exeter City Futures was to consider how to optimise transport and energy systems in the city. The goals that reflected the shared priorities had a wider remit than congestion and energy and included clean air, skills for the future, innovation and finance, the importance of road resilience and good reliability in the bus network. A further shift to a shared public transport system as well as increasing walking and cycling would be necessary as part of the roadmap to reach carbon neutrality. The goals were fluid and would be amended over time to help maximise input, and certainly biodiversity was something that should be included. Councillor J Moore welcomed that approach.

Questions from Councillor D Moore.

- **What are the baseline figures for carbon emissions in Exeter?**

The baseline figures related to 2016 with updated figures due imminently. Figures were published annually by the Department for Business Energy and Skills, two years in arrears. The data had been used to inform the work of the Greater Exeter Strategic Plan (GESP) and included industry; commercial electricity and commercial gas; other commercial fuels; domestic gas and other fuels, agriculture; major road transport and motorways, minor road transport; diesel railways and transport :-

- Exeter - 425 Kilotonnes (Co2 equiv) 3.342 tonnes per capita
- the GESP area is 2,305 Kilotonnes(Co2 equiv) 4.83 tonnes per capita
- Devon 4,158 Kilotonnes (Co2 equiv) 5.34 per capita

Councillor D Moore stated that the UK baseline of CO2 emissions were the figures used as part of the UK report to the Paris Climate Change Agreement and she queried whether they were a reasonable baseline for Exeter. Councillor Sutton anticipated they would become more refined over time.

- **What are the baseline figures for the Council's carbon emissions and by how much have emissions changed to date, as the Council has developed and worked towards its energy neutral plan?**

Councillor D Moore in putting her question thanked Tony Norton for his comprehensive presentation and information which she considered answered her question.

- **How will the Carbon Neutral 2030 policy impact on the Council's own Investment Portfolio?**

Examining the impact on the portfolio was part of the work going forward.

- **What would be the fastest way to update the Local Plan if the Council wished to raise Sustainable Construction standards across all developments?**

This issue could with the support of neighbouring authorities, be incorporated into the Greater Exeter Strategic Plan. The Principal Project Manager (Development) advised that Exeter had no need to update its Local Plan with regard to sustainable construction standards. It was helpful for the City Council to have policies above the controlled standards and the regulations and he included the Sustainable Homes

Code 4. The Chief Executive & Growth Director added that he was not aware of another local authority that had set a higher standard on the requirements for sustainable construction standards, with examples in the city of having built to passivehaus standards. If any changes were required it may be possible to review the local Plan through the Greater Exeter Strategic Plan (GESP). Councillor Moore D stated that the City Council's approach in this respect should be commended.

- **Should Devon County Council review its draft Exeter Transport Plan in light of Exeter's commitment to carbon neutrality by 2030 and what steps can you take to ensure this?**

A revision of the Transport Plan was laudable goal, but Devon County Council was the transport authority and therefore the City Council's scope was limited. Devon County Council was on the Board of Exeter City Futures and a meeting of the Transport Board was due to be convened. Any opportunity to encourage the County Council and neighbouring district authorities would have wider benefits for all. The Chief Executive & Growth Director thanked Tony Norton for his contribution and for the cautionary marker that whilst the 2050 agenda remained a serious challenge in the UK, the 2030 figure was also extraordinary. There was no city in the UK that had achieved the target of 50% of journeys originating and ending in the city by walking and cycling, and the challenge remained to change behaviour. He was excited by the prospect of the opportunity to look at this in the future and see what might be achieved.

- **Which plans are to be included in the 'full audit of the city'? It was important to recognise that a step change in activity, behaviour, finance and policy will be required to get to a carbon neutral city.**

A full audit of all planned and ongoing projects was necessary to understand the city's capacity to pursue carbon neutral status. Leicester City Council had already embarked on an audit of city projects and skills as part of their journey to carbon neutral status. Exeter would keep in contact with them, and other cities, to see if following a similar methodology would be useful to understand what is already happening within the city and also to learn from their wider experiences.

The Chair proposed a recommendation, which was seconded by Councillor Atkinson to agree the definitive term to be used of carbon neutral rather than other forms of wording which had been used, including zero carbon. Carbon Neutral would provide a consistent terminology. The Programme Director Exeter City Futures added that a number of terms were used on an interchangeable basis, with the most used definitions being either Net Zero Carbon or Carbon Neutral. Members supported the recommendation and considered that 'Carbon Neutral' would be a consistent term to use.

Members made the following comments –

- welcomed the opportunity for collaborative work but were disappointed that initiatives such as the Green Deal were no longer available to retrofit older homes in the city and help drive down levels of carbon emissions.
- welcomed the presentations and information which had been given in an accessible and understandable manner. Renewable energy had a carbon footprint and the figures were outdated being from 2016 and Exeter needed time to own the measurements and monitor accurately and carefully. The Chief Executive & Growth Director noted the comment on the former Green Deal Initiative and that inspections and a bespoke solution would be required and a definitive baseline figure was important to identify. The

Principal Project Manager (Development) added that it was also important to create a business model for the physical retrofit work, as already conducted by Exeter City Council. It would remain difficult to make energy efficiencies to older houses particularly those with lath and plaster. He confirmed that, although some older houses would be difficult to treat and required significant intervention, such density of development could in the future be advantageous when looking at the introduction of new forms of energy such as District Heating.

- need for recognition of equality and deprivation should any retrofit of older properties be pursued, and although the sustainable development goals were welcomed, it was important to ensure that all of the Council's work and policies took account of biodiversity issues and the link to climate change. The Chief Executive & Growth Director referred to the challenge for Exeter City Council as we could not fund the costs associated with retrofit. There was a need to show the city's ambition, but the City Council had to find a way of unlocking investment to tackle the problems associated with this move. He added that Exeter needed more opportunities to live in the city and not perpetuate car based developments, with residents able to walk and cycle to their destination, balance the demands of biodiversity, and protect the landscape and open spaces.
- Exeter's incinerator on Marsh Barton was the largest single emitter of emission and with the predominately plastic and food waste there should be other ways to treat such waste. The Director (DB) advised that a report on expanding the city's collection of kerbside recycling to include food and glass, as well as investment at the Materials Reclamation Facility (MRF) to put back their waste into new products as a closed loop, would be presented to the next meeting of Place Scrutiny Committee.
- whether Exeter City Futures came under the auspices of the Local Authority Act and if the Directors would be seek future funding from Exeter City Council to ensure they could carry forward the important work. The Chief Executive & Growth Director stated that Exeter City Futures was a Community Interest Company and the financial contribution made by the City Council was in relation to staff. He added there were six different organisations who contributed to Exeter City Futures.

The Chair asked Members to consider an additional recommendation in respect of a request for the City Council to support the work of the Devon Climate Emergency Response Group (CERG) and participate in a 'People's Assembly'. The Deputy Leader and Portfolio Holder for Climate & Culture stated that Devon County Council would establish the Group and take the lead and it was anticipated that the Leader and Chief Executive & Growth Director would attend the meetings. The Chief Executive & Growth Director confirmed that whilst the County Council was taking the lead, it was important to collaborate and broaden the participation to effect the many behavioural issues needed to remove cars from the city. A Member referred to her experience of a Citizens Assembly and sought further detail including the remit and governance arrangements of the Group, amidst some concern of raising expectations given the limited resources available. The Chief Executive & Growth Director advised that Devon County Council had put forward £250,000 towards this and he expected them to host the meetings. A Member also welcomed the opportunity of establishing a People's Assembly but suggested that if the City Council was not minded to approve participation in the People's Assembly that a request to Devon County Council be made to explore Exeter issues. The Chair asked the Chief Executive & Growth Director to write to Devon County Council to ask them to consider this approach if the proposed recommendation was not agreed.

The Chair also proposed an additional recommendation, seconded by Councillor Owen to convene a Special meeting of Place Scrutiny Committee, on a biannual basis, to discuss progress by the City Council in respect of Climate Change and also allow the opportunity for outside bodies to continue to update Members. The recommendation was put to the vote and carried.

A Member referred to the Action Plan and did not wish for a whole year to pass, and she asked that a report be made back in six months' time. The Chief Executive & Growth Director advised that one of the first actions was for the stakeholders to establish a roadmap, with the costs clearly identified, and a report being brought back to Committee in six months' time. The Action Plan would be brought forward for the city as a whole and certainly the City Council did not have the resourcing needed to deliver such a big challenge. There may well be a gap between the aspirations and necessary lobbying to the Government and also the Local Enterprise Partnership and private sector.

Councillor D Moore noted the proposed work, but she proposed a recommendation, seconded by Councillor J Moore, that in light of the roadmap, the City Council must go beyond consideration of its estates and review the statutory plans and policies associated with work with the GESP. The recommendation was put to the vote and lost. The Programme Director Exeter City Futures referred to the recommendation which stated that the carbon neutral target for Exeter would be framed in a way that linked to wider regional targets. The Deputy Leader, Portfolio Holder Climate & Culture added that Place Scrutiny Committee and Council would consider the progress of the journey and by meeting biannually, as well as any significant reporting, would ensure that best use was made of valuable Council resources.

Councillor D Moore proposed an additional recommendation, seconded by Councillor J Moore, that the Council reporting mechanism should include, an analysis of the progress and impact in working towards the Carbon Neutral goal, and that this be added to the decision making process in relation to equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults; economy, safety and the environment. The recommendation was nevertheless put to the vote and carried.

Councillor J Moore proposed, seconded by Councillor D Moore to ask that past and present employees should be allowed to comment on investment matters relating to any industries contributing to the climate emergency in the Council's Pension Fund. Members considered that this was a matter for the Investment Committee of Devon County Council. A Member was able to advise that the Devon County Council Pension Fund was proactive in consideration of their investment proposals. Although it was not considered within the remit of Exeter City Council, the recommendation was nevertheless put to the vote and was lost.

Place Scrutiny Committee supported the report and requested Executive to recommend approval by Council on the 23 July of the following:-

- (1) affirmation that the Council declare a 'Climate Emergency;
- (2) the definitive term to be used of Carbon Neutral rather than other forms of wording which had been used, including zero carbon. Carbon Neutral would provide a consistent terminology;
- (3) the carbon neutral target for Exeter be framed in a way that links to wider regional targets. This shows Exeter's intention to decrease its emissions without increasing emissions in the wider region;

- (4) Exeter City Council commit to their operations becoming carbon neutral ahead of the 2030 date and mobilise resource to develop internal plans to deliver the target;
- (5) Exeter City Council request a “Carbon Neutral Delivery Team” is convened by Exeter City Futures Community Interest Company (ECF CIC) to establish a city plan for delivery that builds on the Energy Independence Roadmap produced by ECF CIC and uses the 12 Goals as the basis of the approach (see Appendix 1 to this report for a list of the Goals). The Carbon Neutral delivery team will:
  - i) draw together existing evidence and data to establish baseline state of the city presented under each of the 12 Goals
  - ii) conduct a full audit of the city to highlight gaps between current plans and what is required to achieve zero carbon
  - iii) define a clear city plan showing outcomes that will need to be met to deliver carbon neutral, how existing activities support and where there are gaps
  - iv) identify immediate opportunities and crucial first steps
- (6) Exeter City Council commit resource to be part of the Carbon Neutral Delivery Team and, due to the urgency required, co-locate those resources with ECF CIC to ensure that the City Council is leading by example and sharing learning with other ECF CIC Member organisations and the wider ECF CIC Partner Network. (A list of current members of the ECF CIC Partner Network is provided in Appendix 2 to this report);
- (7) Exeter City Futures CIC be requested to convene a “Carbon Neutral Mandate Group” through a series of summits to validate, challenge and endorse the Roadmap produced by the Carbon Neutral working group;
- (8) Exeter City Council support the work of the Devon Climate Emergency Response Group (CERG) and note the outcomes and recommendations. Exeter City Council will participate in a "People's Assembly" with the governance arrangements to be confirmed by the CERG;
- (9) convene a Special meeting of Place Scrutiny Committee, on a biannual basis, to collate and discuss all of the work by Exeter City Council in respect of Climate Change and also allow the opportunity for outside bodies to continue to update Members; and
- (10) Council reports should include an analysis of the progress and impact in working towards a Carbon neutral city goal, as they currently do for the impact on any decision in relation to equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults; economy, safety and the environment.

(The meeting commenced at 5.30 pm and closed at 8.15 pm)

Chair

## Minute Item 35

### **PUBLIC QUESTION RECEIVED for Place Scrutiny Committee – 18 June 2019 from Bridget Walton**

#### **Question**

Given the declared emergency and the need to make real progress without further delay, will the scrutiny committee stipulate a date by which the Zero Carbon Mandate Group (now the carbon-neutral mandate group) should report with firm, actionable and appropriately timetabled actions to achieve the declared aims in all sectors?

**Response made by** Councillor Sutton, Deputy Leader and Portfolio Holder Climate & Culture (*italics*).

*The Carbon Neutral Mandate Group was a critical part of the recommendations that were set out. We want to ensure that a group is created to validate, challenge and endorse the roadmap produced through Exeter City Futures. This Group will hold the City (collectively) to account and ensure that the outcomes that we aim for are right for our residents and businesses as well as addressing the challenges of climate change at the pace needed.*

*The Carbon Neutral Mandate Group will be convened by Exeter City Futures, Community Interest Group and will likely include Exeter's global expertise in climate science from the MET Office and University of Exeter, Key Politicians (Leader and Portfolio Holder for Climate and Culture) and other key stakeholders from the wider community e.g. but not exclusively youth, faith, and activist groups.*

*We recognise the urgency required and do not intend to delay the mobilisation of this Group. However, it was important to take note of the wider regional activities and ensure that we define the terms of reference of this Group so that it adds value to and aligns with other emerging regional initiatives, such as the Devon Climate Emergency Response Group, and the proposed Citizens Assembly.*

*Once the terms of reference have been set then we will be able to be clear about the reporting mechanisms of the Carbon Neutral Mandate Group.*

*We do have a choice to make about whether to wait until the regional groups are established or whether to push on and then seek engagement at a later stage to ensure alignment. Exeter City Council is committed to delivering a carbon-neutral City and believe that we can act as an exemplar to the wider region of what can be achieved.*

*Work has already commenced on the preparation of the baseline status report as outlined in the recommendations and a significant amount of analysis of the types of outcomes we will need to include in the roadmap has been done. From this we will be able to understand the technical, financial, political and behavioural challenges that need to be addressed to achieve carbon-neutrality.*

Bridget Walton responded to the reply wished to draw Members' attention to the lack of a definition relating to carbon neutral and referred to the IPCC report which offered a definition and suggested that a correction be made in the report. She commented on the lamentable lack of real progress over the last three years and was concerned that Exeter City Futures and Exeter City Council had not defined the baseline for

Carbon Emissions. She also commented on the reliance in the report of the 12 goals some of which could increase admissions. She wished to ensure that Exeter City Futures does not become a green fig leaf to cover covers no or grossly inadequate action by the Council.

She said that Councillors had acknowledged that they faced a crisis, but must now also deliver change and they must be ready to make difficult decisions and be bold and decisive to find ways to make change happen urgently. She asked that they not be tempted to wait for new technologies and solutions for the problems we face now, but consider simple things like insulating homes and as a planning authority the new housing being built presented the ideal opportunity. It also related to public transport and cycling, moving away from the single occupancy car alongside all of the issues relating to fossil free fuel. She stated that these things overlapped with Exeter's need to address congestion and pollution and inactivity and were a win for the city to go on and deliver. She invited this to be done with the urgency of the climate emergency which you have declared demands. She ended by stating that our children and grandchildren would need to live in his world that we leave them and we should act to leave them a sustainable and healthy world.

# An Energy Neutral Council

Minute Item 36



# More than 20 major projects delivered



Phase3 LED



Civic Centre PV



John Lewis PV



Harlequins CP



Oakwood PV



Ark PV



Mary Arches



MRF PV



Mary Arches CP



Museum PV



Civic LED



Belle Isle PV



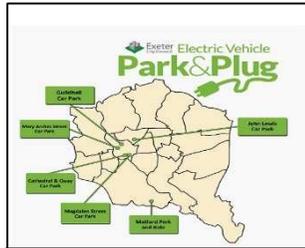
Livestock Centre



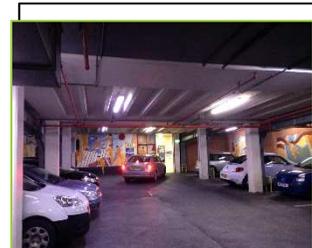
Climb Cent



Knesshay 3 CP



EV Chargepoints



Guildhall CP



Low Energy Dryers



Wat Tyler PV

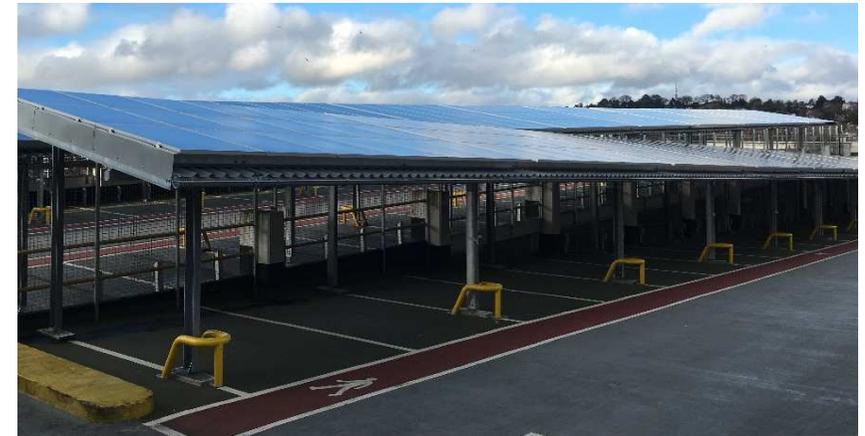


Cathedral CP



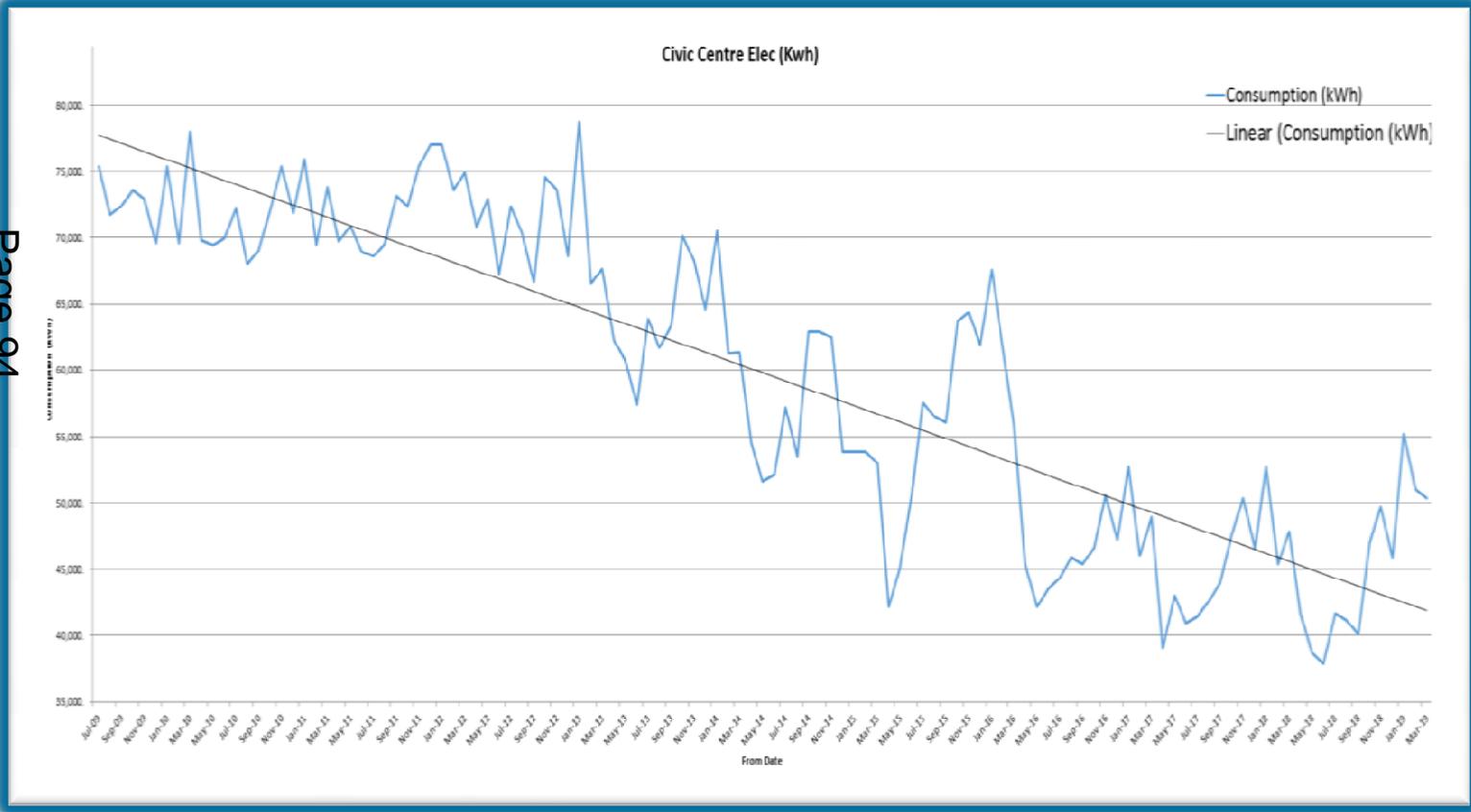
EV Chargepo

# Flagship Solar PV Projects



# Current Position

Civic Centre energy consumption (kWh)



Page 94

37% drop in energy consumption

Carbon reduction of 29%

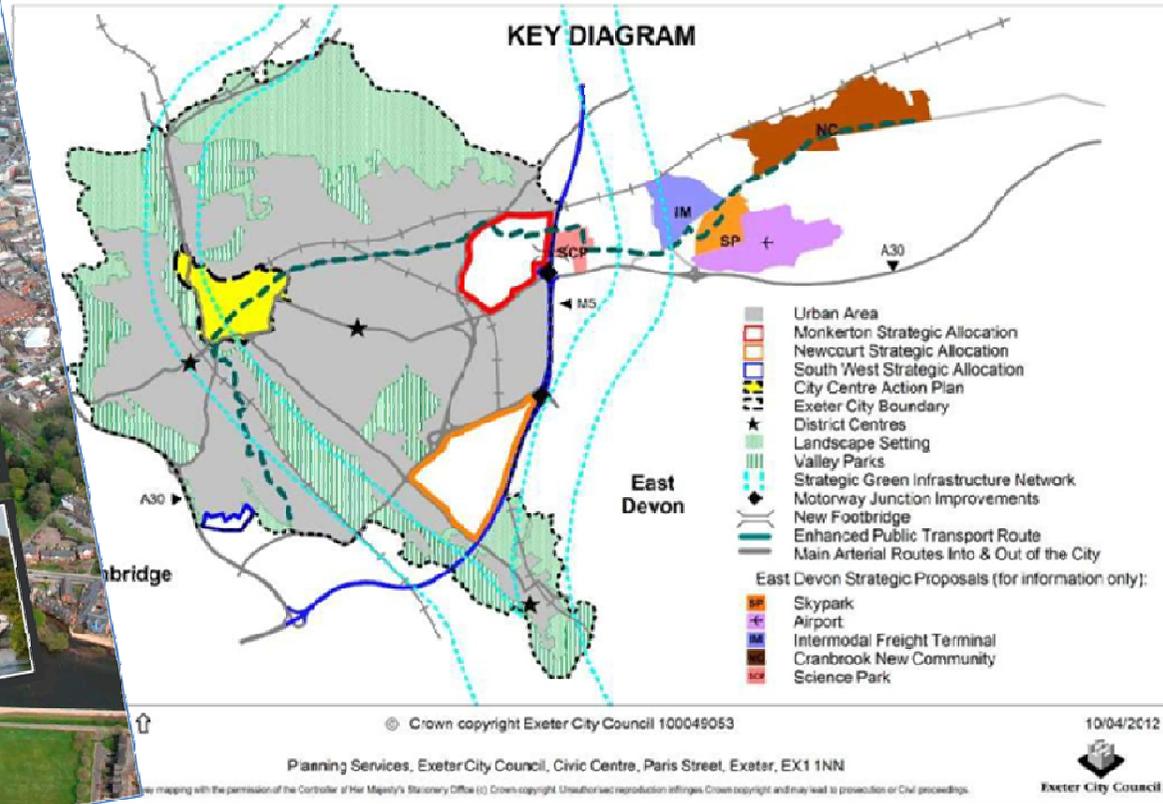
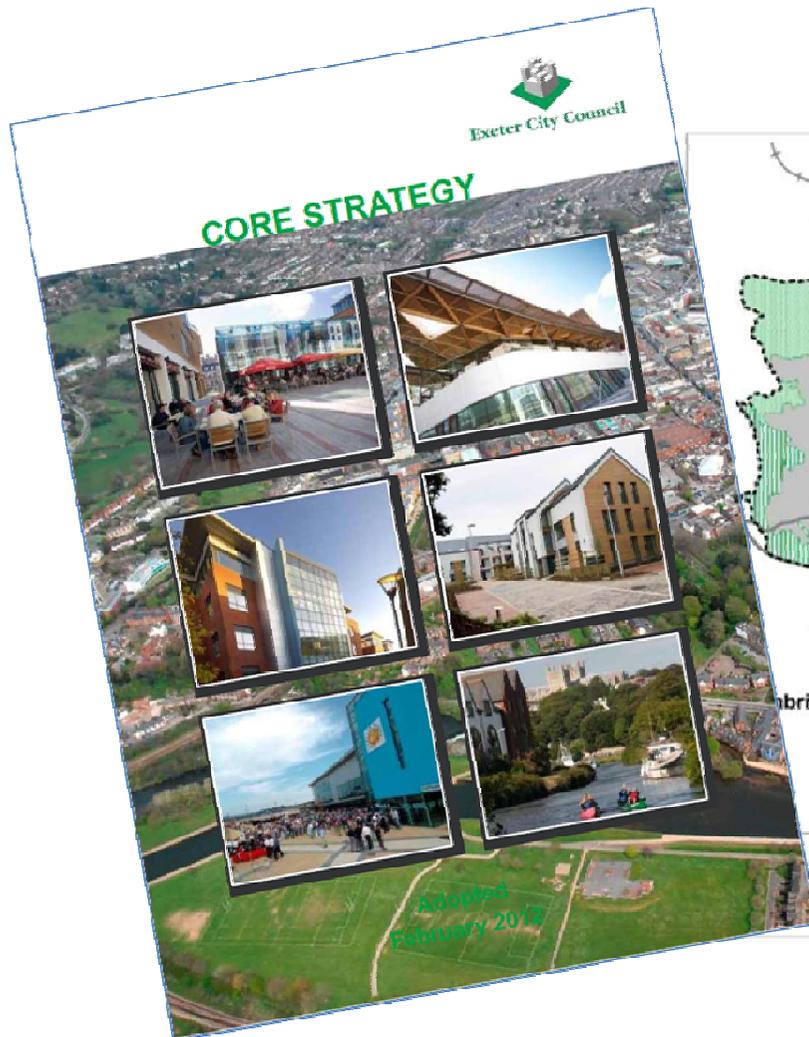
50% Carbon reduction by 2022

# Clapperbrook Solar PV & Smart Grids Project

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## ADOPTED CORE STRATEGY POLICY CP13

**CP13:** Decentralised Energy Networks will be developed and brought forward. New development (either new build or conversion) with a floorspace of at least 1,000 square metres, or comprising ten or more dwellings, will be required to connect to any existing, or proposed, Decentralised Energy Network in the locality to bring forward low and zero carbon energy supply and distribution. Otherwise, it will be necessary to demonstrate that it would not be viable or feasible to do so. Where this is the case, alternative solutions that would result in the same or better carbon reduction must be explored and implemented, unless it can be demonstrated that they would not be viable or feasible.

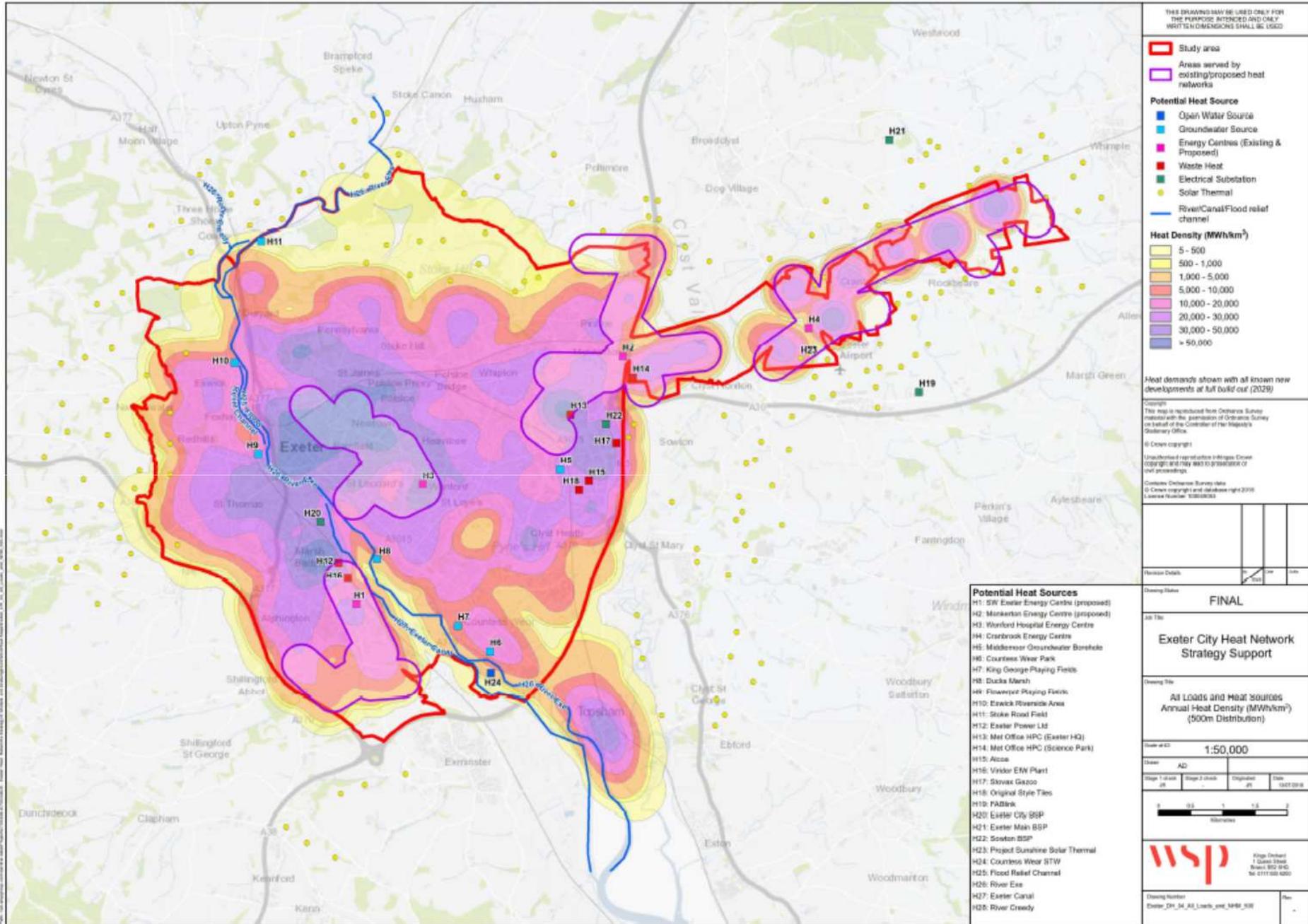


Figure 12 – Locally available heat sources shown on heat map

## ADOPTED CORE STRATEGY POLICY CP15

**CP15:** Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated. All development must be resilient to climate change (particularly summer overheating) and optimise energy and water efficiency through appropriate design, insulation, layout, orientation, landscaping and materials, and by using technologies that reduce carbon emissions.

Residential development will be required to achieve the above (Para 10.29) Code for Sustainable Homes Level (overall performance across the code categories and complying with minimum standards).

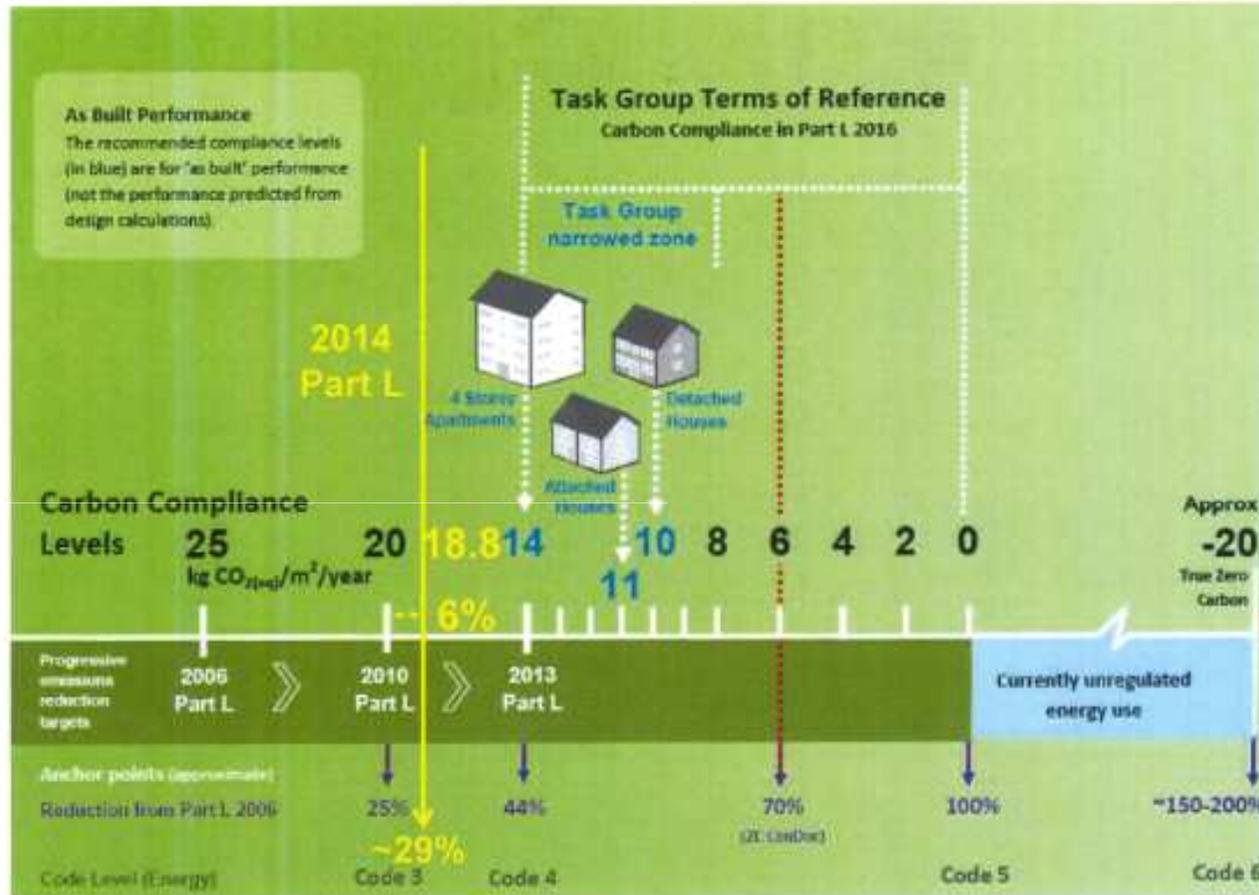
All non-domestic development will be required to achieve BREEAM 'Very Good' standards increasing to 'Excellent' standards from 2013. Non-domestic buildings are expected to be zero carbon from 2019.

Due to their scale the Monkerton/Hill Barton, Newcourt and Alphington urban extensions should achieve levels of sustainability in advance of those set out nationally.

### The Code for Sustainable Homes

Code level	Energy standard (reduction from 2006 Part L)	Year
3	25%	2010
4	44%	2013
5	Zero carbon	2016

# Carbon compliance and Zero Carbon



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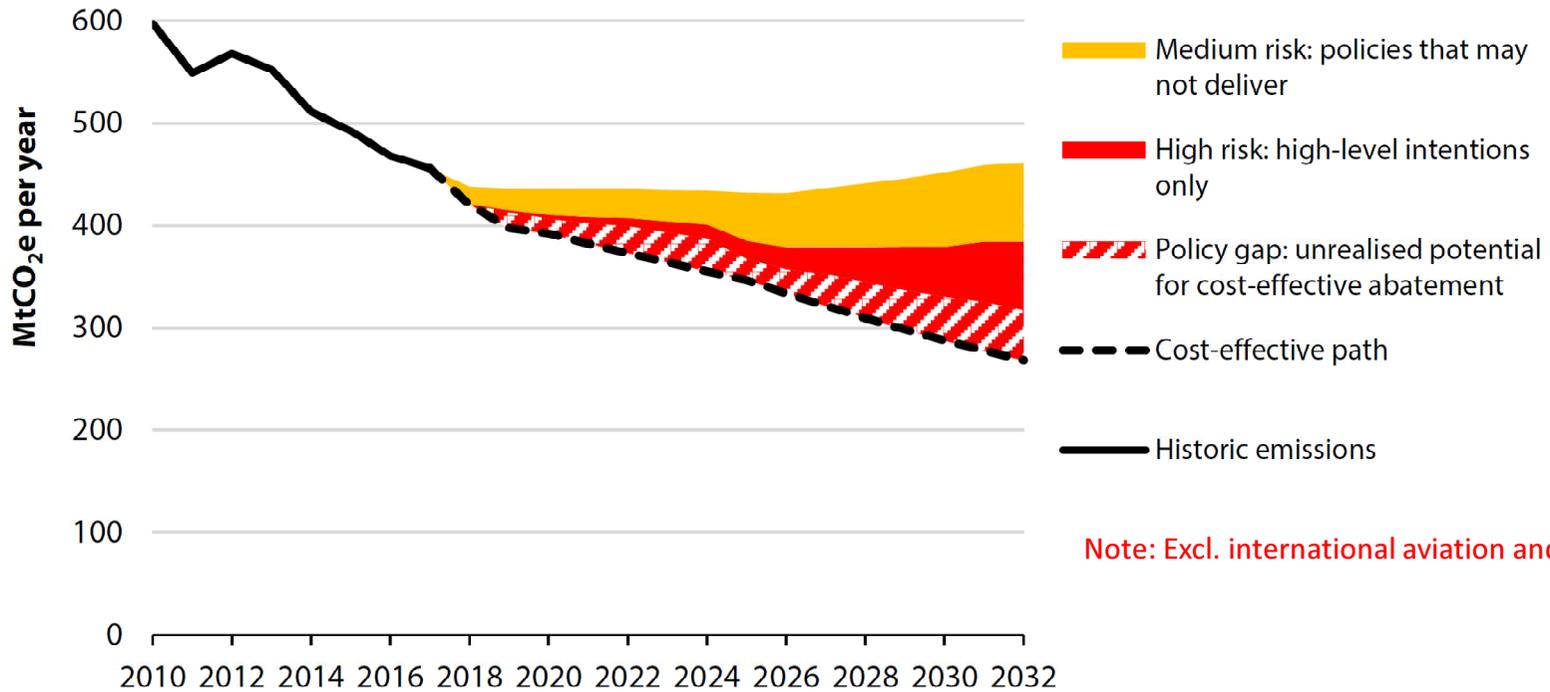
# CCC Net Zero Technical report May 2019

18<sup>th</sup> June 2019

Tony Norton

Centre for Energy and the Environment

# CCC – 2018 Progress Report to Parliament



Note: Excl. international aviation and shipping

# CCC – Net Zero by 2050



## Scenarios

- Core measures needed to achieve 80% by 2050
- Further Ambition more challenging more expensive
- Speculative options low levels of readiness, high cost & barriers to public acceptability

## Sectors

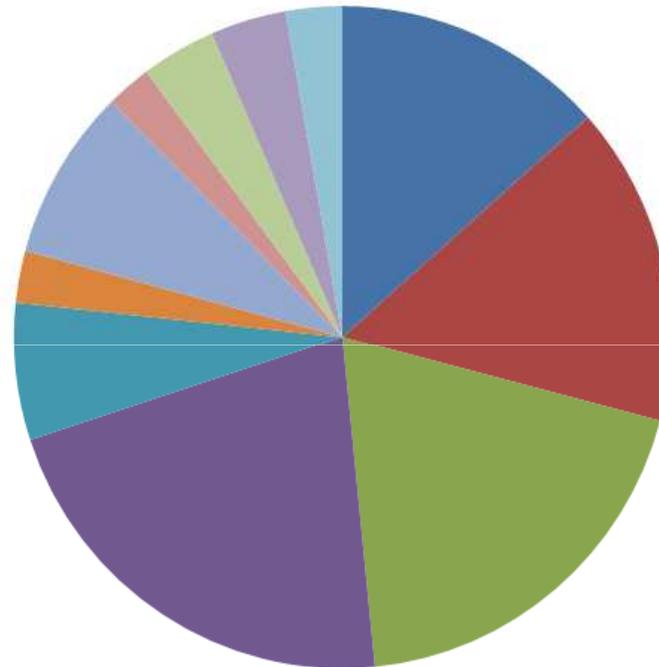
Power and hydrogen  
Buildings  
Industry  
Transport

Aviation and shipping  
Agriculture, LUC & forestry  
Waste  
F-gas emissions  
Green house gas removal

# CCC – 2017 emission by sector

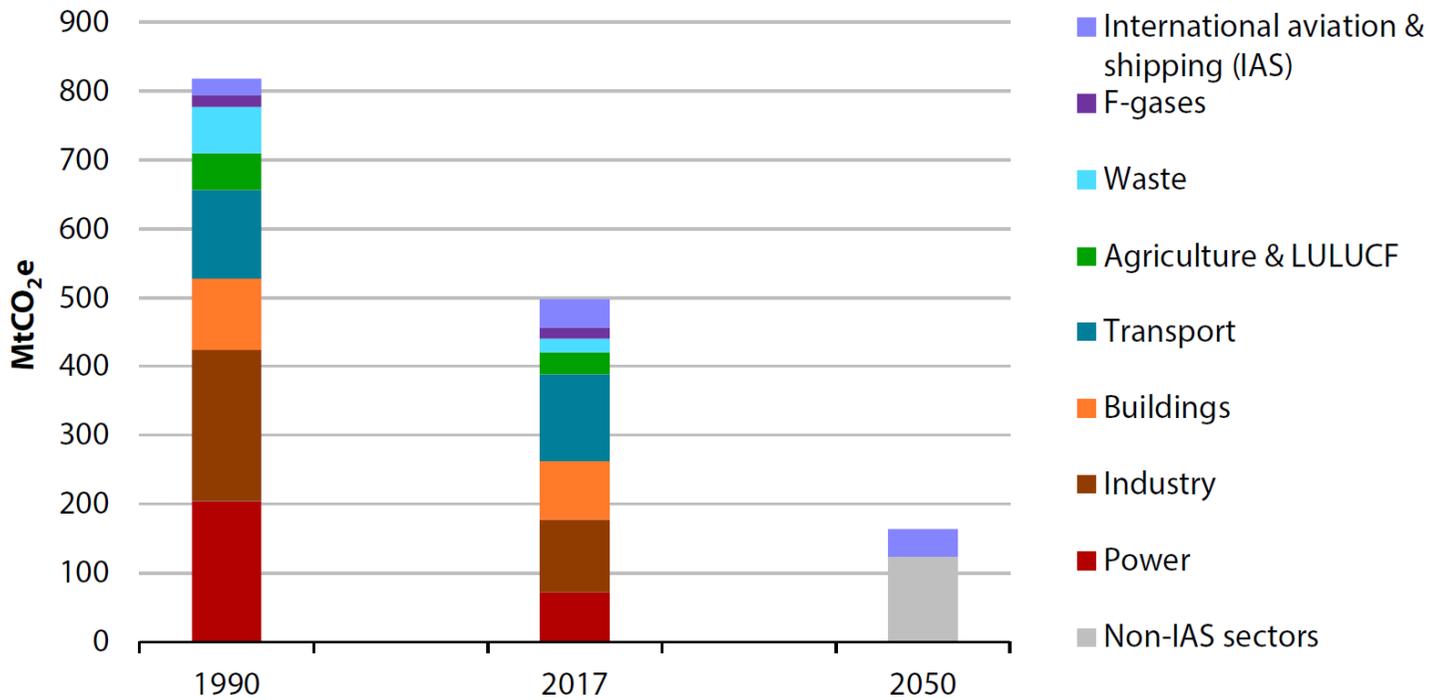


Sector	Emissions MTCO <sub>2</sub> e	%
Power and hydrogen	73	15%
Buildings	85	17%
Industry	105	21%
Transport	117	23%
Aviation	37	7%
Shipping	14	3%
Agriculture	46	9%
Land use change	12	2%
Forestry	-20	-4%
Waste	20	4%
F gas emissions	15	3%
GHG removal	0	0%
<b>Total</b>	<b>503</b>	<b>100%</b>

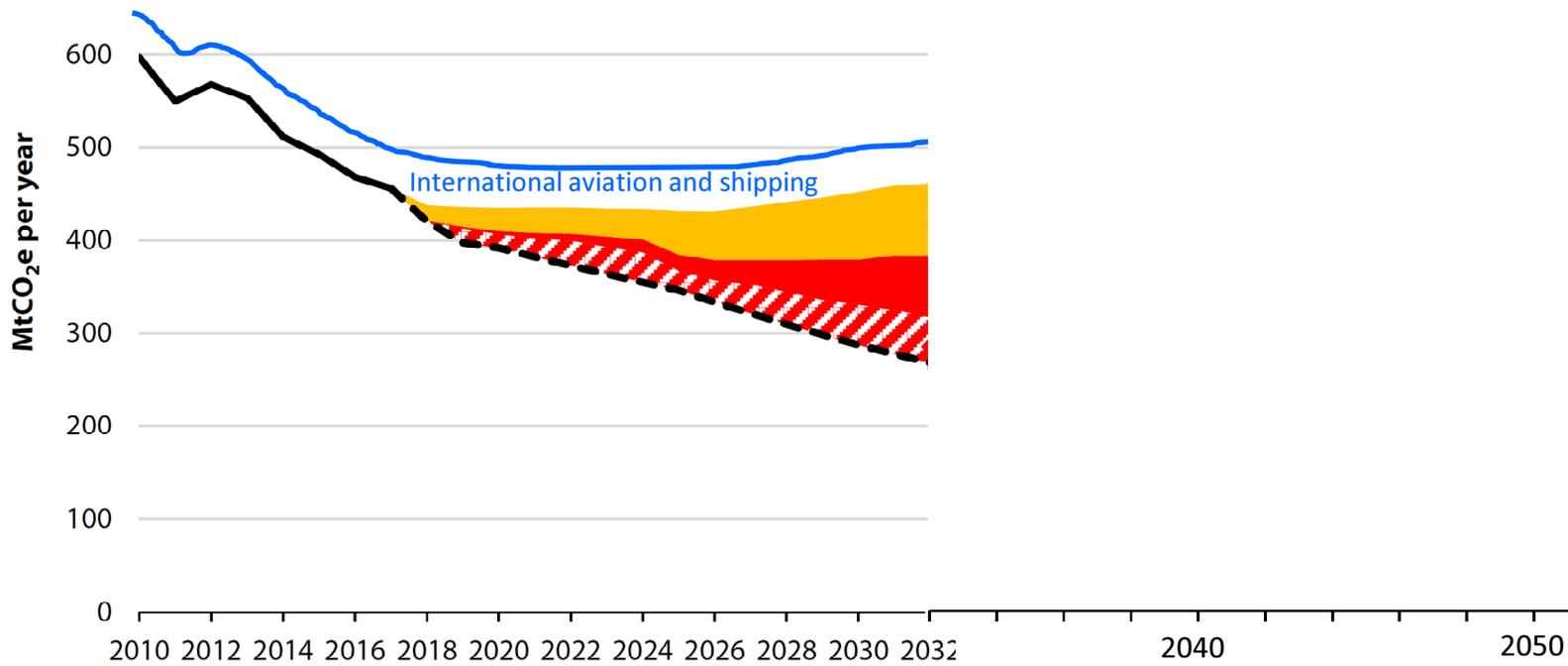


- Power and hydrogen
- Buildings
- Industry
- Transport
- Aviation
- Shipping
- Agriculture
- Land use change
- Forestry
- Waste
- F gas emissions

# CCC – Scale of the challenge to 80%



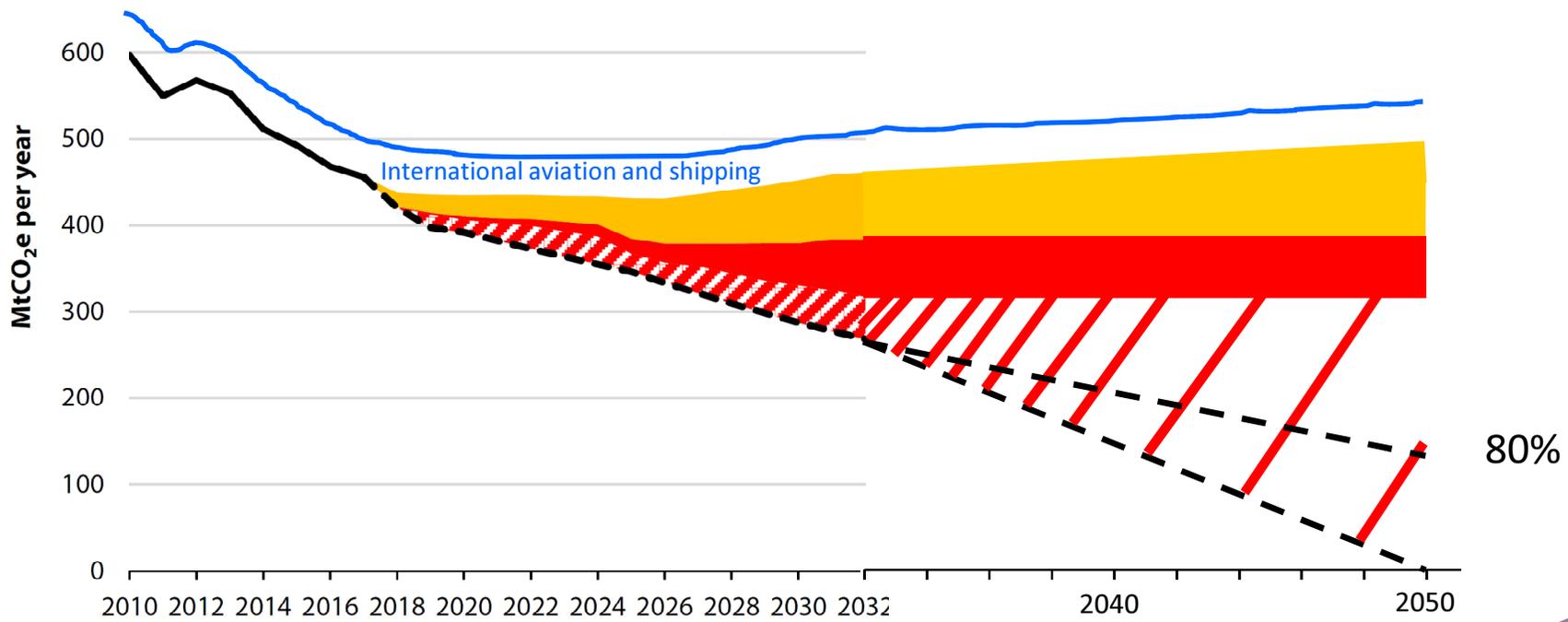
# Extrapolation of CCC 2018 projections



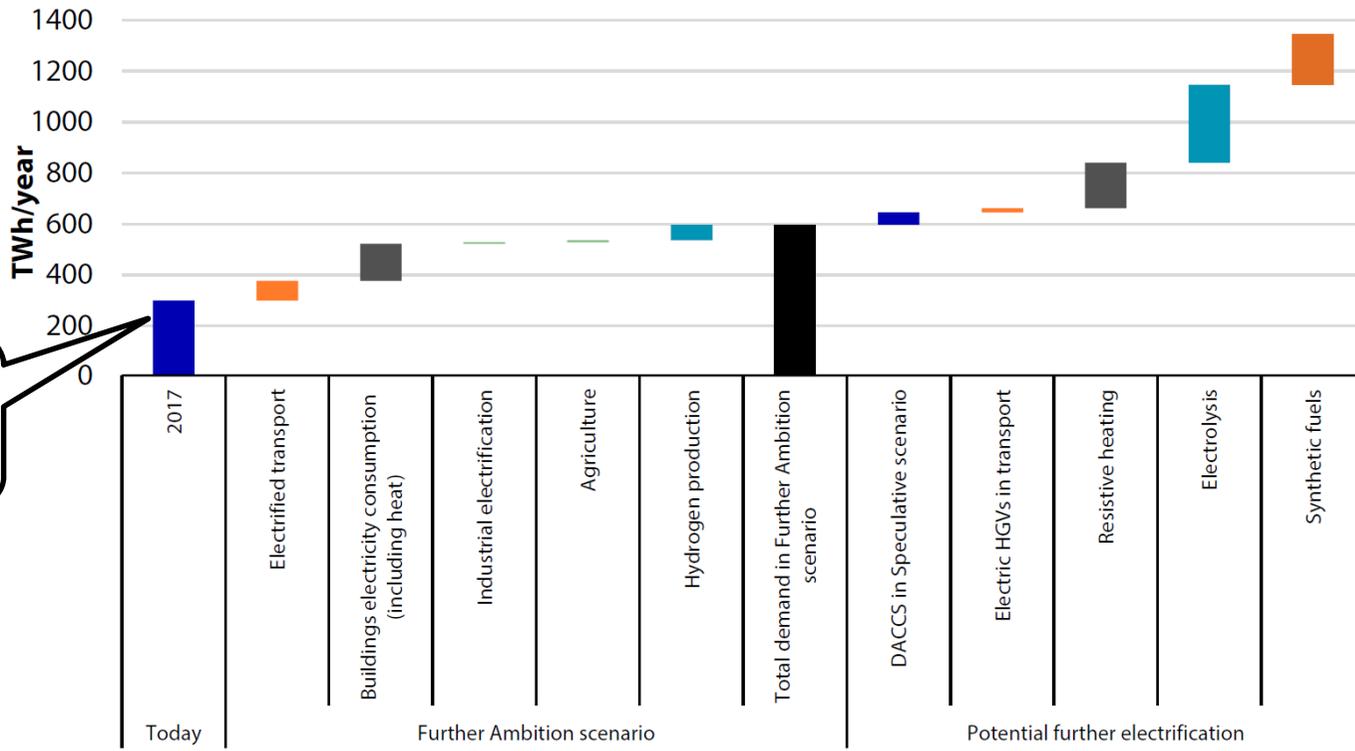
# Extrapolation of CCC 2018 projections



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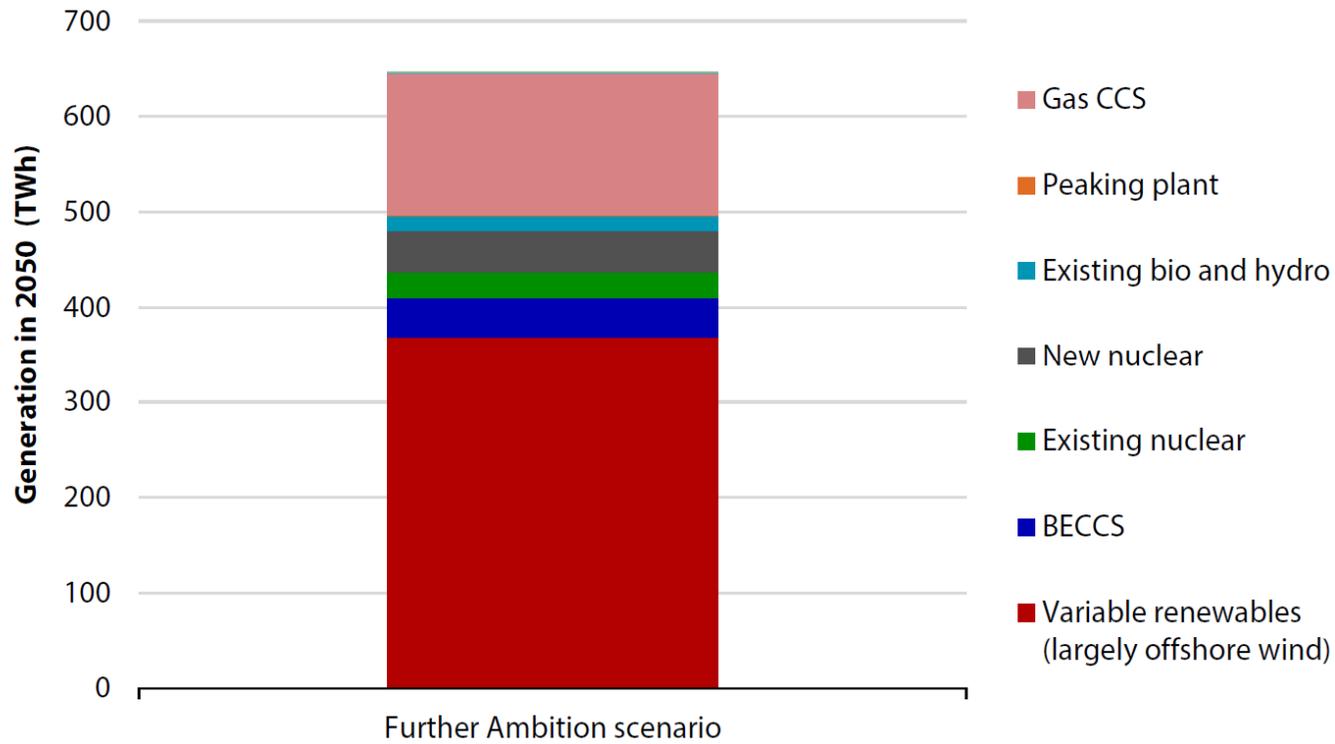


# CCC – Net Zero – Power and hydrogen



48% fossil fuel

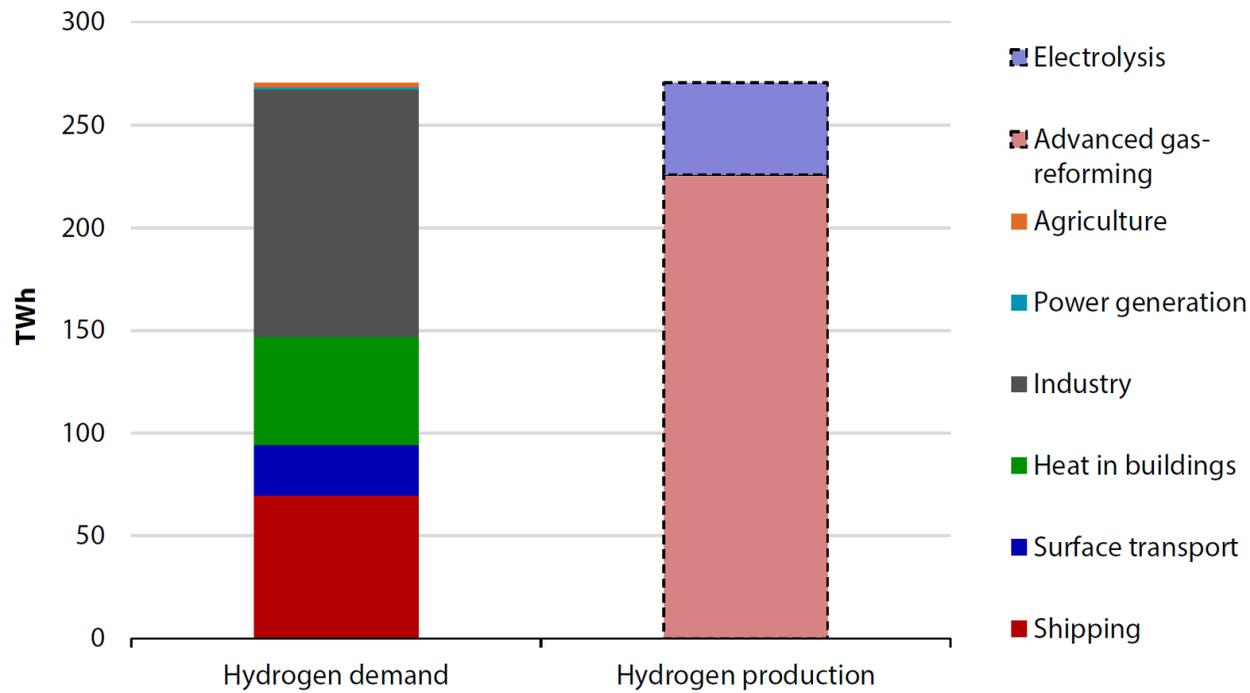
# CCC – Net Zero – Power and hydrogen



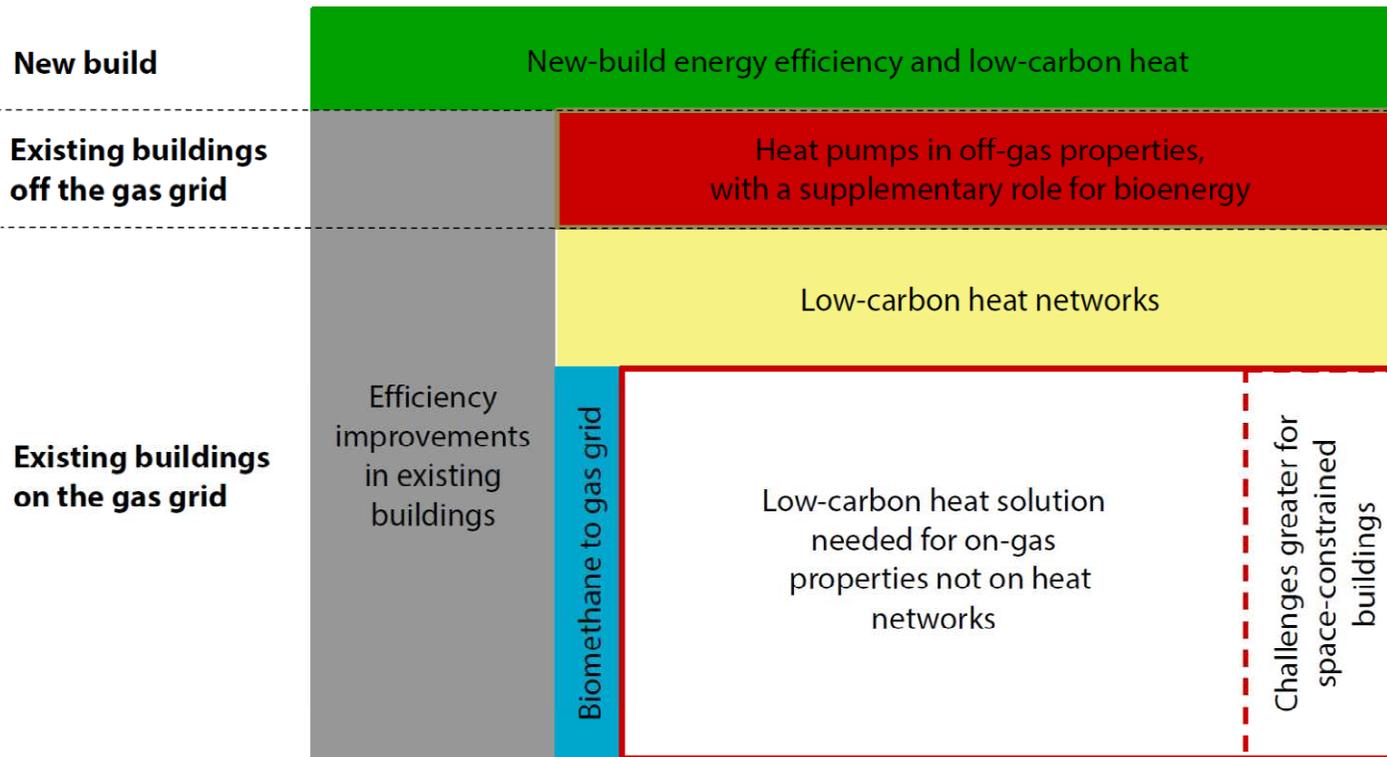
# CCC – Net Zero – Power and hydrogen



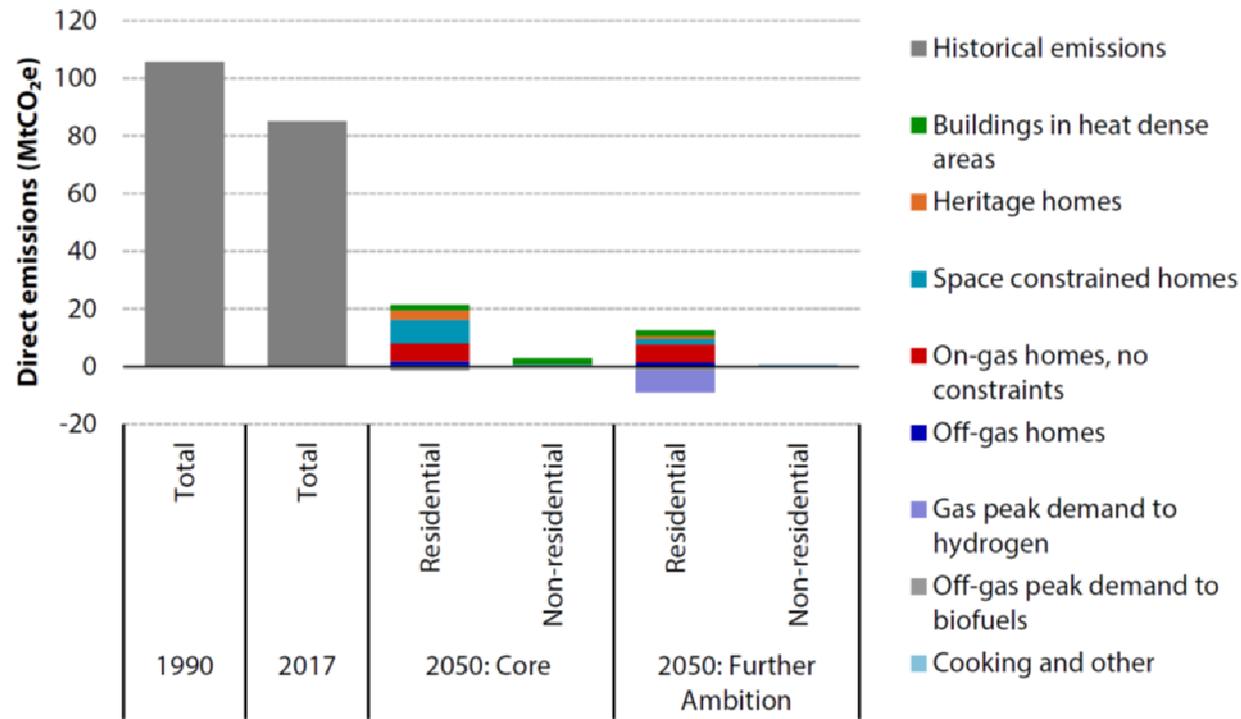
### Hydrogen in the Further Ambition scenario



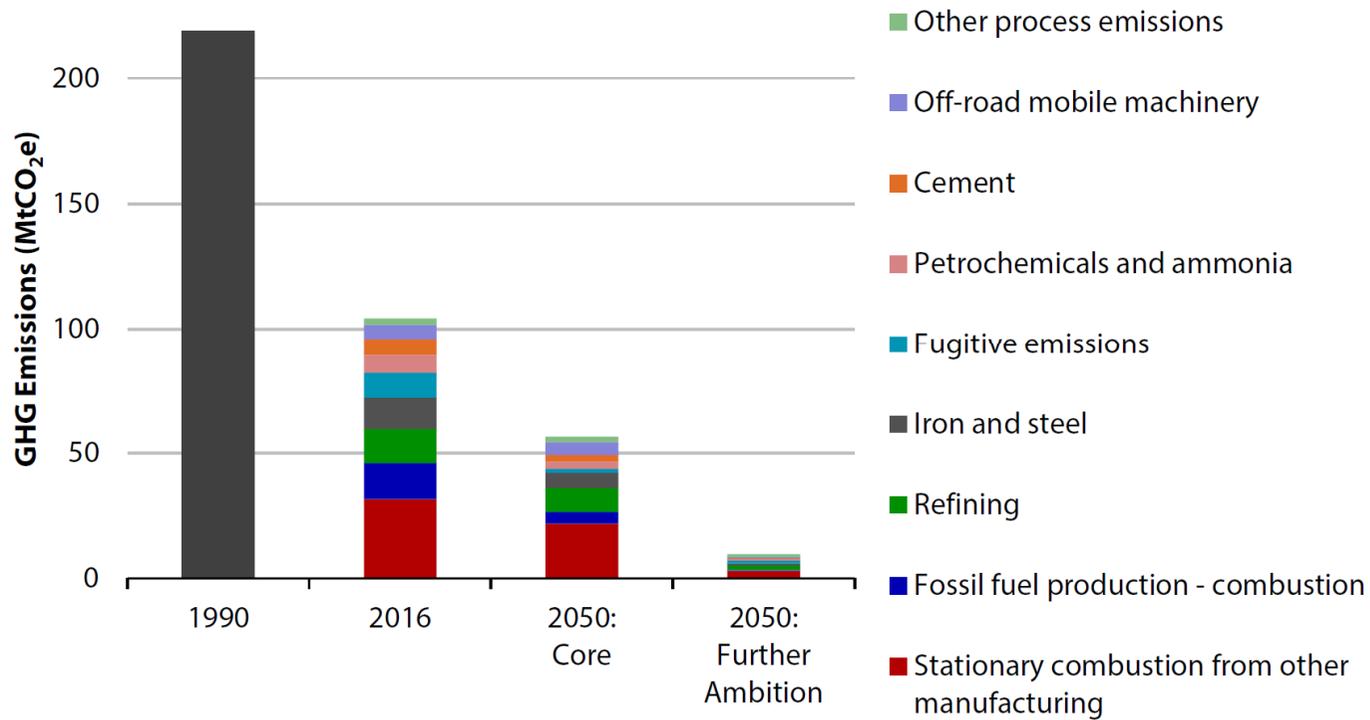
# CCC – Net Zero – Buildings



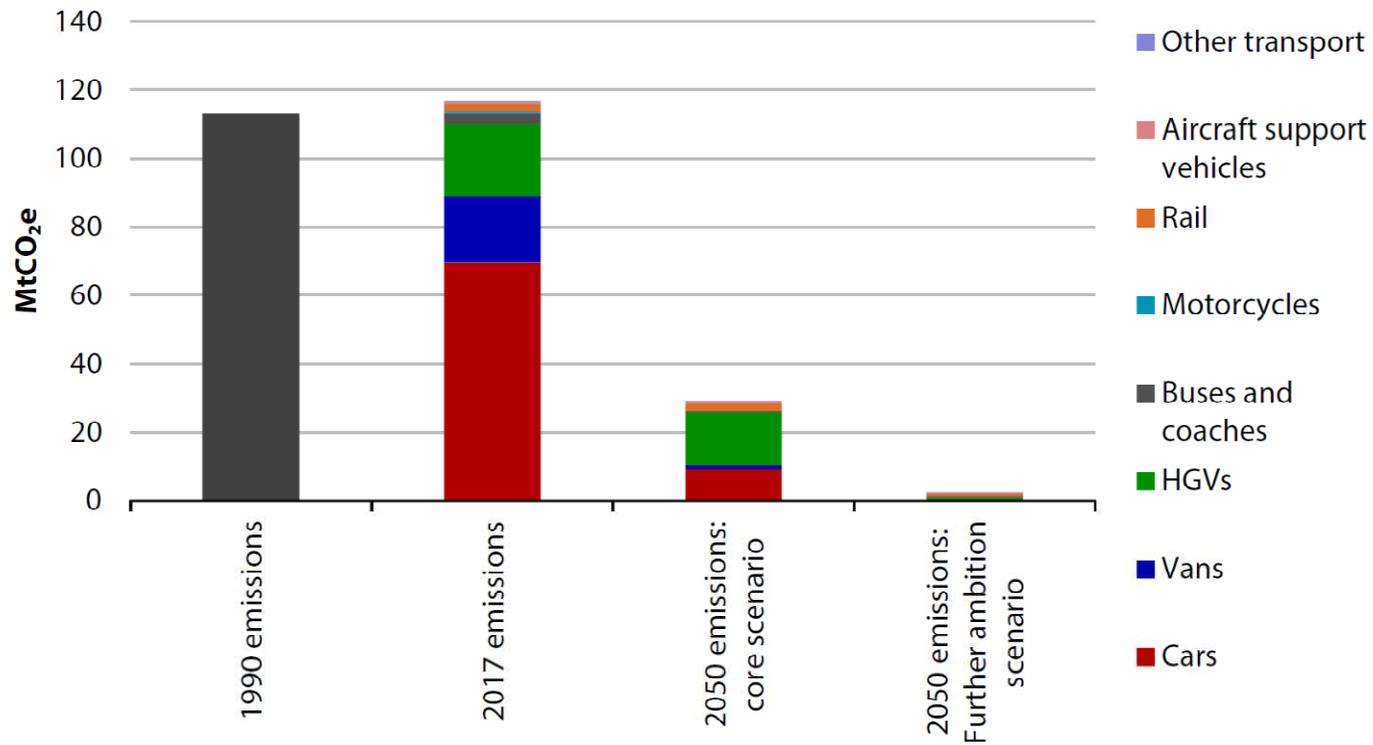
# CCC – Net Zero – Buildings



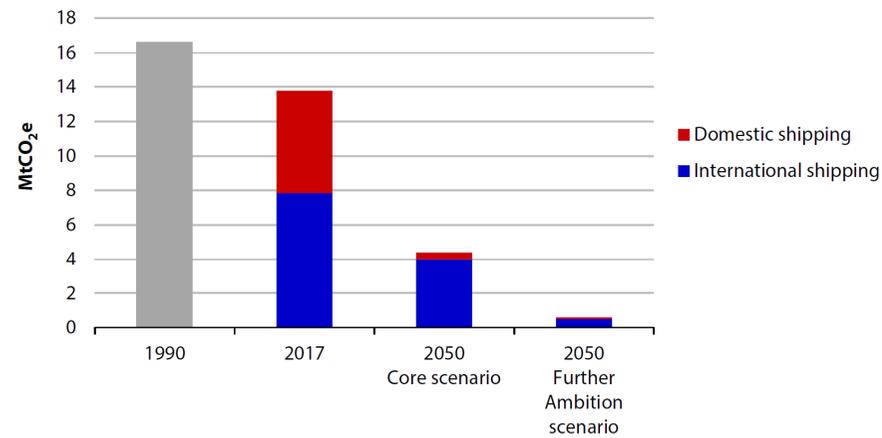
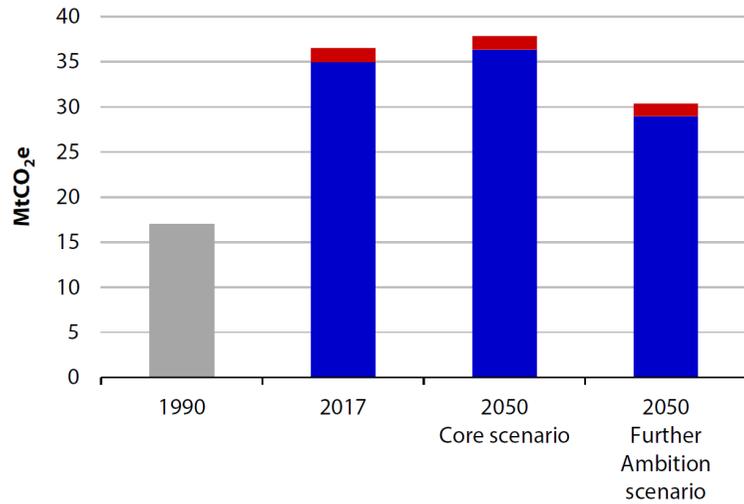
# CCC – Net Zero – Industry



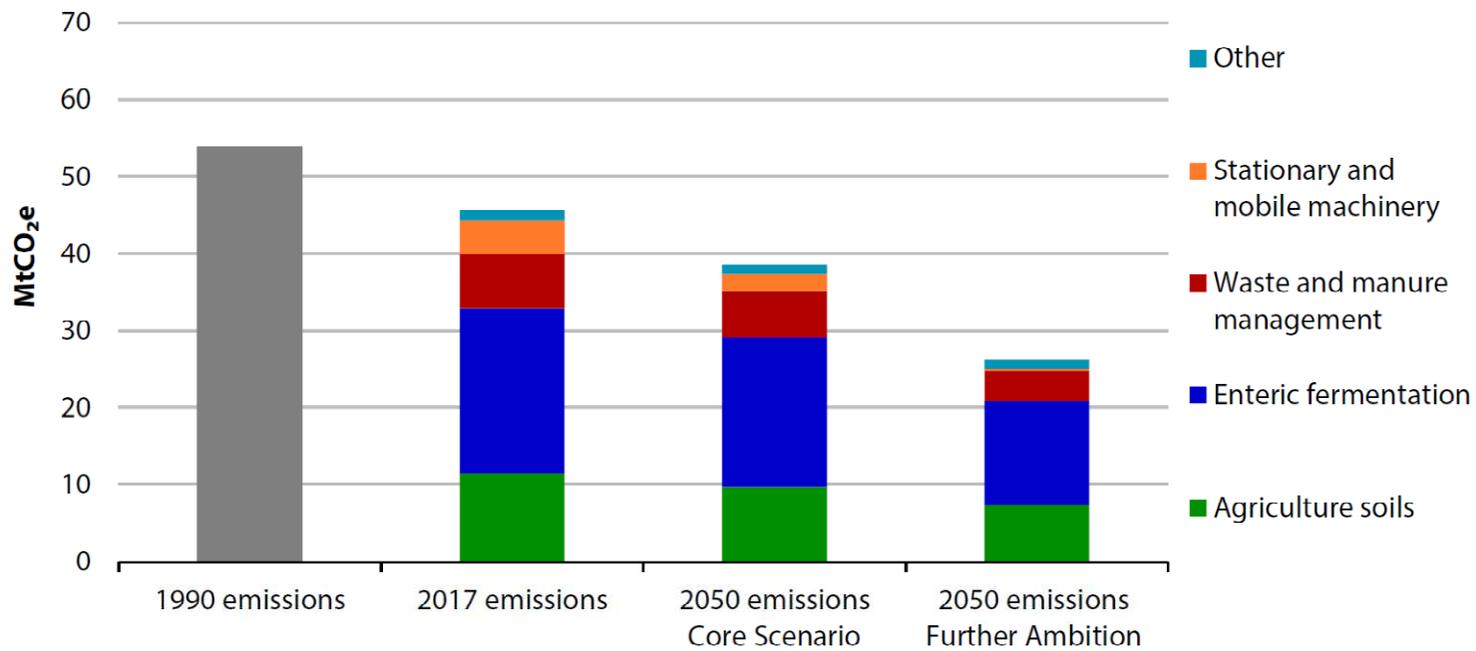
# CCC – Net Zero – Transport



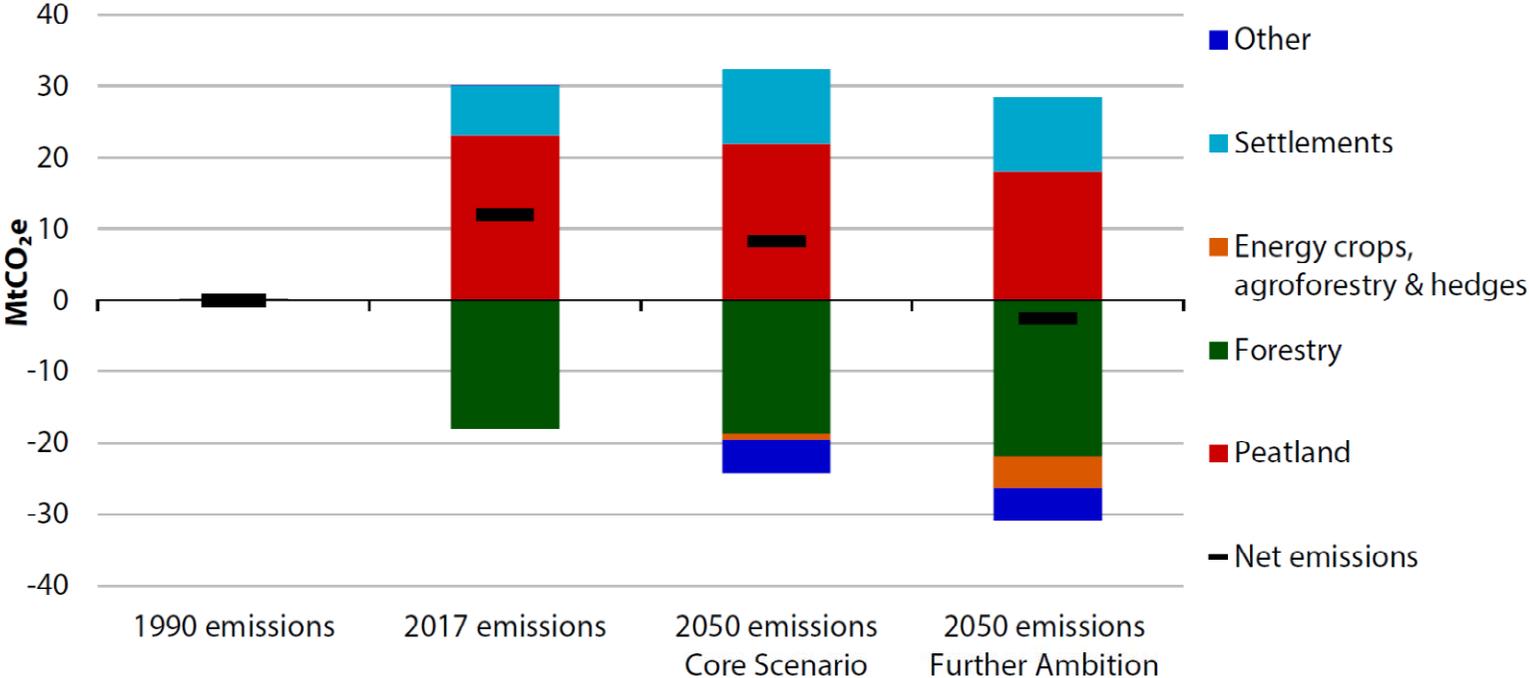
# CCC – Net Zero – Aviation and shipping



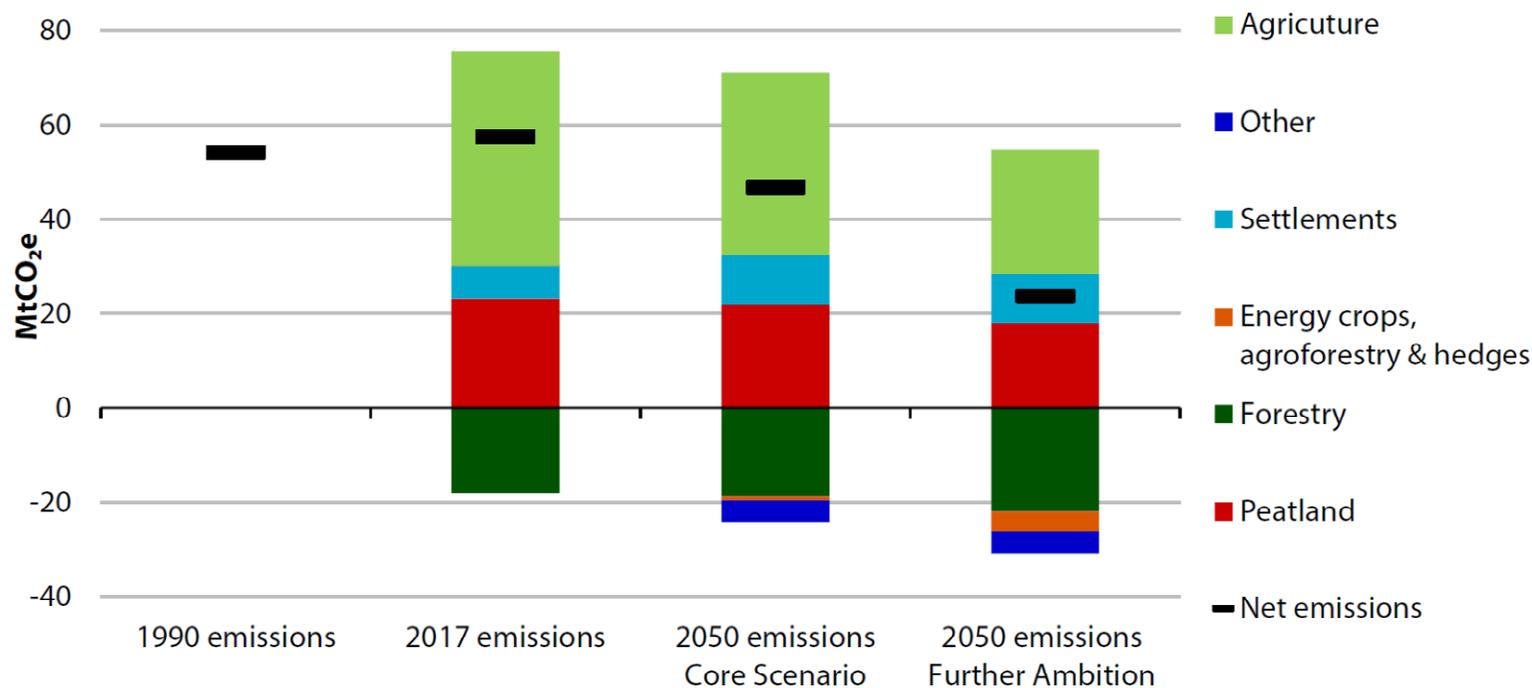
# CCC – Net Zero – Agriculture



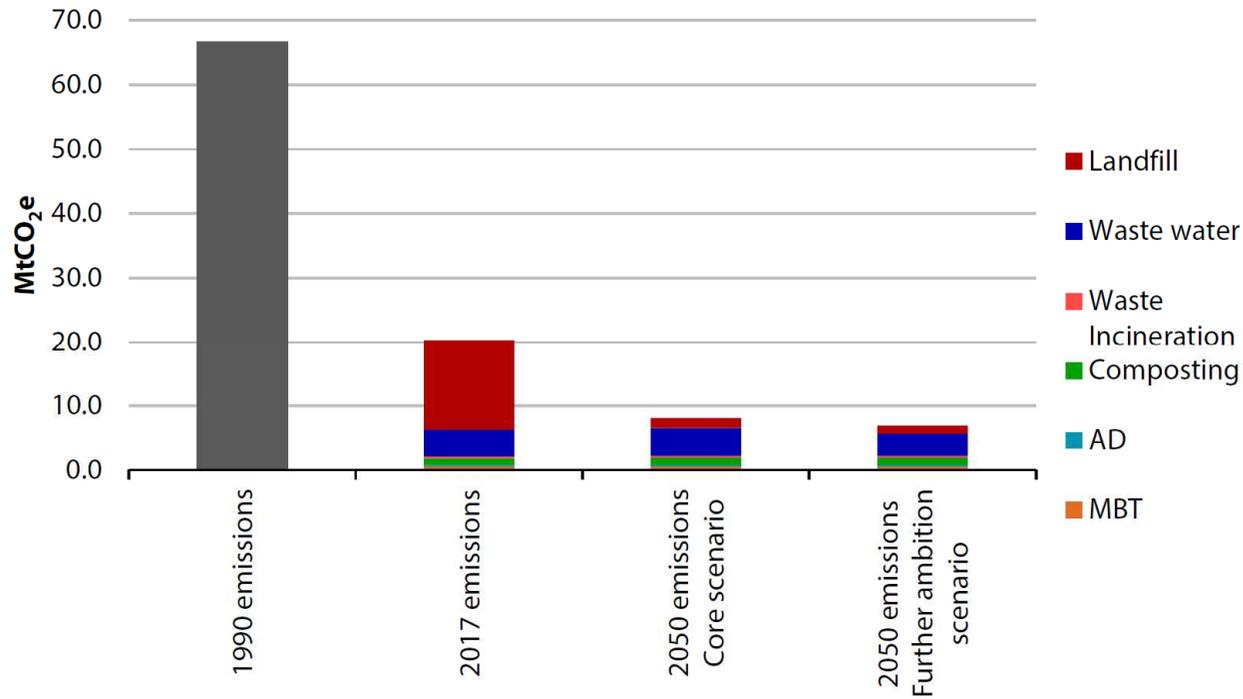
# CCC – Net Zero – LUC & forestry



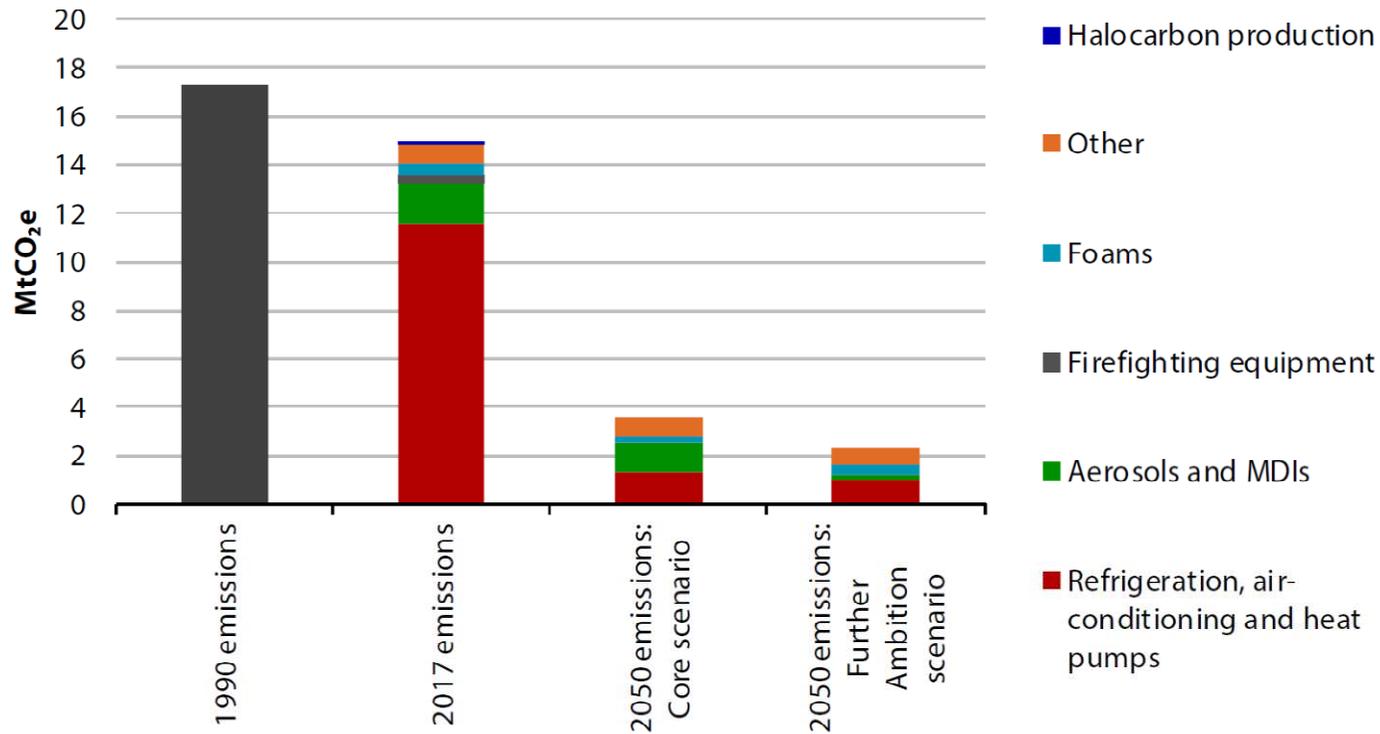
# CCC – Net Zero – Agriculture, LUC & forestry



# CCC – Net Zero – Waste



# CCC – Net Zero – F gas emissions



## CCC – Net Zero – Greenhouse gas removal

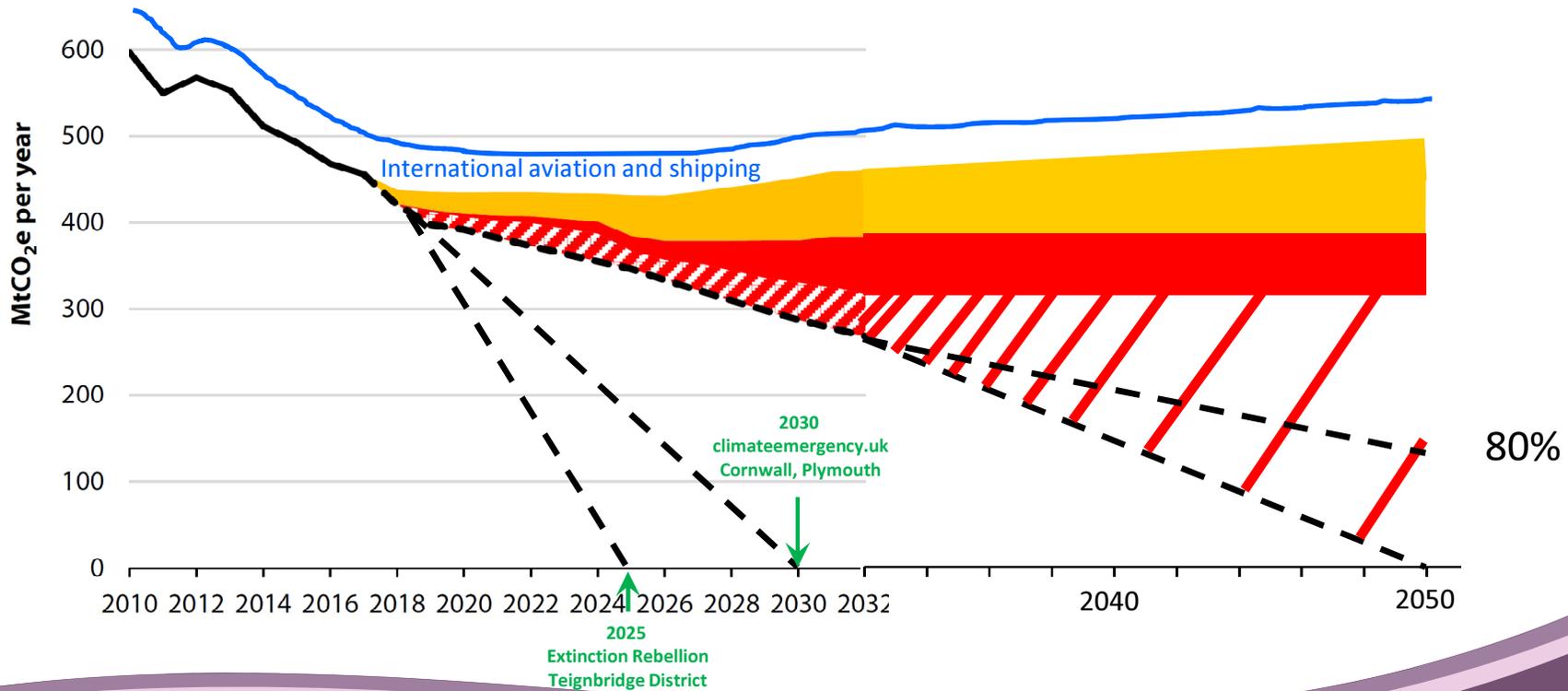


- Forestry and peatland (included elsewhere)
- Wood in construction
- Bioenergy with CCS (BECCS)
- Direct air capture of CO<sub>2</sub> with storage (DACCS)
- Biochar
- Enhanced weathering

# Accelerating Net Zero



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# CCC Net Zero Technical report May 2019

18<sup>th</sup> June 2019

Tony Norton

Centre for Energy and the Environment

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## PLACE SCRUTINY COMMITTEE

Tuesday 25 June 2019

### Present:

Councillor Sills (Chair)  
Councillors Buswell, Atkinson, Henson, D, Lyons, Moore, D, Moore, J, Owen and Pattison

### Apologies:

Councillor Williams

### Also present:

Director (JY), Director (DB), Cleansing & Fleet Manager, MRF Manager and Democratic Services Officer (SLS)

### In Attendance:

Councillor Bialyk	- Leader
Councillor Harvey	- Portfolio Holder for Environment & City Management
Councillor Pearson	- Portfolio Holder for Leisure & Physical Activity

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### DECLARATION OF INTERESTS

No declarations of disclosable interest were made.

40

### EXETER LIVE BETTER MOVE MORE PHYSICAL ACTIVITY STRATEGY

The Portfolio Holder, Leisure & Physical Activity Leisure introduced the report which described the public consultation on the draft strategy and proposed minor changes to the original proposals, following feedback which included comments on accessibility, active and sustainable travel as well as prioritising the Canal and Quay assets for physical activity. The Portfolio Holder recommended that the revised Exeter Live Better and Move More Physical Activity Strategy be adopted.

It was acknowledged that Exeter had a relatively young and affluent population which tended to be more active, however some areas of Exeter were also amongst the most deprived in the country. This Strategy would help to drive forward the ambition for everyone to benefit from an active lifestyle. The feedback from the draft proposals were overwhelmingly positive with 94% respondents to the survey, in support of the overall vision approach. The consultation had attracted 1,650 responses from individuals and organisations and included online and face to face survey reports, written responses and face to face conversations with residents. It was noted that in paragraph 8.2 of the report, that the dates of the public consultation were undertaken between 25 March and 10 May 2019, and the consultation contact email address should be noted as [active@exeter.gov.uk](mailto:active@exeter.gov.uk)

The Strategy offered a once in a generation opportunity, and the involvement of the Sport England Pilot would make a sustained difference to ensure that physical activity was a part of everyone's daily lives. It would also provide the overall

direction for increasing physical activity in Exeter and covered three important areas:-

- Tackling congestion and accessibility
- Promoting active and health lifestyles and
- Building great neighbourhoods

The Portfolio Holder Leisure & Physical Activity responded to Members' queries:-

- the Strategy was informed by the work of Sport England, but was a Council Strategy to encourage people to become more active.
- the Strategy was part of a high level aspiration, which, although not exhaustive, included the Sport England pilot, consideration of the leisure facilities in the city, the open environment such as parks, pitches, the Canal and Quayside, and also ways to reduce congestion in the city.

The Director Communities, Health Wellbeing Sport and Leisure responded to Members' questions as follows:-

- building any physical activity into daily life to improve health and wellbeing was important and a Member's comment that working on an allotment or in the garden is a good example of this.
- although the Strategy did not explicitly reference disability, ensuring appropriate accessibility and promoting active participation applies to both able bodied and those with disabilities and does not discriminate on that basis. The intention was to focus on the areas of greatest need and address those who had the most challenges, which may include those with disabilities and other protected characteristics.

The Director confirmed that funding from the Sport England Delivery Pilot would expand the number of community builders and introduce new physical activity roles into Wellbeing Exeter. Wellbeing Exeter was currently funded by the City Council, Devon County Council and the Devon Clinical Commissioning Group and Sport England funding would enhance and expand the existing programme.

A Member was able to respond to another Member's enquiry who had sought an update on the progress of the Devon County Council's Cycling and Walking Strategy. It was noted that this matter would be considered by Devon County Council's Place Scrutiny Committee later in September.

Place Scrutiny Committee supported:-

- (1) the revised Exeter Live Better and Move More Physical Activity Strategy in the light of the overwhelming positive feedback from the comprehensive public consultation process and the minor amendments made to the original proposals; and
- (2) requested Executive to support and recommend that Council adopt the revised Exeter Live Better and Move More Physical Activity Strategy.

**EXETER LIVE BETTER MOVE MORE BUILT FACILITIES, PLAYING FIELDS, PITCHES, PLAY AREAS, PARKS AND OPEN SPACES STRATEGY**

The Portfolio Holder for Leisure & Physical Activity and Portfolio Holder Environment & City Management presented the report, which described the public consultation on the draft report, proposed changes to the original proposals following feedback and recommended the adoption of the revised Strategy, as well as setting out the next steps for delivery of the strategies proposed within the report.

The Portfolio Holder Leisure & Physical Activity referred to the Built Sports and Leisure Facilities Priority Actions in relation to the following:-

- St Sidwells Point Leisure facilities as a replacement for the Pyramids.
- the commitment for the upgrade and reopening of the swimming pool and spa at the Riverside Leisure Centre in 2020.
- closure of the pitch and putt provision at Northbrook Approach golf course.
- prioritisation of plans for a new and improved swimming pool to replace the Northbrook Pool.
- an outline business case for an enhanced facility mix at the Exeter Arena site to create a community sports village to benefit the whole city.
- a strategic cycling hub in partnership British Cycling, national stakeholders and local clubs
- working with local residents, community groups, Sport England and other stakeholders to co-design a blue print and outline business case for a flagship Community Health and Wellbeing Centre to replace the Wonford Sports and Community Centres.
- continuing to work with the Exeter ski club to identify potential alternative sites for their relocation from the Clifton Hill site.
- continuing to provide engagement opportunities for residents, communities and stakeholders to input into future built facility development plans.

The Portfolio Holder Environment & City Management stated that the Strategy had identified the need for certain kinds of pitches and particularly facilities that could be used year round. He referred to the five Priority Actions set out in the Strategy in relation to the following:-

- working with the local community.
- undertaking an audit of the city's green space.
- mapping and developing the linkage to parks and green space with the cycle and footpaths.
- improve the walking and cycling infrastructure.
- providing support for grass roots community groups wishing to take on more responsibility to manage and maintain parks and green spaces.

The Portfolio Holder Environment & City Management confirmed that the concept of destination play parks would be reconsidered along with the need for greater inclusivity and the reality of ongoing maintenance. A Task Group would be set up to design a strategic framework and high level priorities for the future development of play areas across the city

The Portfolio Holder Leisure & Physical Activity responded to Members' questions as follows: -

- the usage at Northbrook Approach Golf Course had halved since 2010, with only less than 1% of residents using the facilities during the three month open

season. There were no plans for the City Council to continue to offer golf as there was existing provision in the city.

- 94% of respondents to the survey had agreed with the strategic approach of a number of sustainable centres in strategic locations in the city with suitable public transport links as well as the desire to improve cycling links.
- the Riverside Leisure Centre would reopen in 2020. The fire damage to the roof had resulted in the discovery of a number of structural issues and every effort was being made to the commitment to reopen with a greatly enhanced facility to bolster the swimming offer in the city.
- St Sidwells Point Leisure Centre would open in the spring of 2021.

The Leader responded to a Member's comment on ownership of the Northbrook Approach Golf course and stated there had been a number of requests to use the site, but the Council would consult on any future use of the site with local residents.

The Director Communities, Health Wellbeing Sport and Leisure offered the following responses to Members' comments:-

- the consultation process had used a range of methodologies with both quantitative and qualitative approaches. This enabled officers to validate and triangulate data from different sources to identify cross cutting themes. It was noted that there was a significant cost to any consultation.
- the new leisure operator contract would allow for new or existing facilities to be added or removed from the contract.
- the emerging Playing Pitch Strategy presented an exciting opportunity to work with the Football Association and National Football Foundation and open up a national investment stream into local facilities. The Active & Healthy People Programme Lead confirmed that a meeting with the Football Association is taking place on 17 July.

The Leader and Portfolio Holder Leisure & Physical Activity responded to a Member's enquiry and confirmed that there were no plans to build housing on the site to be vacated by the Northbrook Approach Golf Course. The Council were committed to the preservation of the city's green open spaces including the valley parks, play parks and community parks. The Portfolio Holder Leisure & Physical Activity referred to the land around Clifton Hill which is not designated as a playing pitch/sports facility in planning policy terms, which is why in principle they could be freed up for development, but he appreciated that did not mean that people in the locality wished to lose those facilities. It was the intention to replace the sports centre facilities elsewhere in the city. He also advised that there was no intention to close the swimming facility at Northbrook Pool, but every intention to build a new pool as soon as they were able to, and no intention to have any gap in provision.

Councillor Buswell proposed the following, seconded by Councillor Atkinson and requested that a full consultation exercise be held with local residents and stakeholders take place on the future use of Northbrook Approach site. The recommendation was put to the vote and carried.

Place Scrutiny Committee supported the following:-

- (1) revised Exeter Live Better and Move More Built Facilities, Playing Fields, Pitches, Play Areas, Parks and Open Spaces Strategy in the light of the feedback from the comprehensive public consultation process and the subsequent changes made to the original proposals;
- (2) requested Executive to support and recommended that Council adopt the revised Exeter Live Better and Move More Built Facilities, Playing Fields, Pitches, Play Areas, Parks and Green Spaces Strategy; and
- (3) a full consultation exercise be held with local residents and stakeholders on the future use of the Northbrook Approach site.

42 **INEXETER BUSINESS IMPROVEMENT DISTRICT BUSINESS PLAN 2020- 2025**

The BID Manager presented a report which set out the process and proposals for a second term of the InExeter Business Improvement District (BID), and as the Council will be eligible as a rate payer on its own property, recommended that the City Council should cast a yes vote in October 2019 to show support for the setting up the BID for the next five years. A copy of the INExeter BID Business Plan was circulated with the report.

The Portfolio Holder Environment & City Management set out the proposals for a second term as well as a five year Business Plan. During the summer the City Council would work on a contingency plan should the BID vote not be successful in October 2019. He welcomed the focus to support business with the city centre to ensure a strong and vibrant economy and further develop making InExeter as the first point of contact and as a conduit for the operations of the city. He referred to the BID levy rules which had been amended from the next BID term as well as an extension of the BID area to include parts of Sidwell Street, Longbrook Street, New North Road, Fore Street, Bartholomew and West Street, Queen Street, Fairpark Road and Magdalen Road at the request of the businesses located there, which were detailed in an appendix to the report. He referred to the success of the BID which now had 700 businesses, which generated over £500,000 annually to deliver the Business Plan. It was also proposed that the BID levy would change from 1% to 1.25% with businesses being levied from the current rateable value list. He had been nominated to represent the City Council on the BID Board with the support from the Growth and Development Manager as a non-voting attendee.

The BID Manager made a short presentation and thanked the Portfolio Holder and the Council for their commitment to the BID Board over the last five years. She referred to the work of the volunteer Board of Directors and referred to her position as a Council member of the BID Foundation and was pleased that Exeter's BID had the opportunity to connect with other towns and cities to share best practice.

A full description of the projects completed by the current Business Plan was attached as an appendix to the report, but some of the key improvements and projects over the last five years included:-

- the provision of city centre management.
- better connected business community with regular meetings, communication and networking.
- an enhanced and reactive cleansing service,

- the Christmas campaign, lights and events and other seasonal city dressing as well as additional artwork in Queen Street, all to add colour and interest to the city.
- upgrade of the directional fingerposts.
- the launch of the Independent Gift Card with 73 businesses represented and
- the reinstatement of a large retailer group to link to the city's key campaigns.

The Bid Manager had coordinated an engagement process for the BID with all of the businesses through a variety of engagement mediums which had included group and individual meetings, newsletter and surveys to draw out the key priorities for the next five years to ensure a drive to continue the investment in the city centre. The key themes to be delivered over the next five years included:-

- experiences
- welcoming and attractive streets
- supporting and informing

Members were supportive of the work of the BID and hoped that it would be able to continue over the next five years. They made the following comments:-

- the BID levy was not an onerous commitment for the traders as they did receive a tangible extras and support from the BID.
- welcome the proposed staff discounts for public transport and she hoped there would be an opportunity for this to be progressed further, but some disappointment over the contradiction in the aims to meet carbon neutrality with the offer of staff parking discounts and customer parking redemptions. She hoped there would be greater emphasis placed on using public transport.

The Chair welcomed the opportunity to thank the BID Manager and team and he looked forward to an update on the progress of the BID vote.

Place Scrutiny Committee supported the proposals of the City Centre Business Improvement District Board and recommended to Executive and Council the following:-

- (1) that the City Council vote in favour of continuing the InExeter Improvement District (BID) for a second term, covering the period 2020-2025;
- (2) City Council cast its votes in favour of continuing the BID in the forthcoming ballot in October 2019;
- (3) Council approve a budget of £5,000 to undertake the ballot to be funded from General Fund reserves;
- (4) that the Portfolio Holder for Environment & City Management is appointed to sit on the InExeter Board, with the support of the Growth & Commercialisation Manager, to oversee the interests of the City Council and wider city centre through activity undertaken by InExeter;
- (5) the BID boundary is extended to include businesses located on Magdalen Road, at the request of the businesses association and businesses located on Magdalen Road;

- (6) that Exeter City Council charge a true cost of supporting InExeter in collecting the BID levy, calculated at £12,000 + VAT per annum, from £1,500 + VAT per year; and
- (7) the Growth & Commercialisation Manager draws up contingency plans, to be implemented as a result of a no vote in October 2019.

43 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1, Schedule 12A of the Act.

44 **OPTIONS FOR INVESTMENT IN EXETER'S KERBSIDE RECYCLING SERVICE**

The Portfolio Holder Environment and City Management presented the report which asked Members to endorse investment in the City Council's Materials Reclamation Facility (MRF) with an enhancement of the current kerbside recycling service and introduction of the collection of glass and food waste. The business case outlined a number of options with the aim of improving the financial and environmental outcomes of the MRF, as well as meeting the expectations of residents and future Government requirements in respect of recycling. A number of options were presented with Option 4, identified as offering the best technical solution to address this.

The Service Manager – Recycling, Waste and Fleet referred to the opportunities to increase capacity, maintain the reliability of the service, as well as develop other marketing opportunities to increase revenue. He outlined the detail of what the service would look like to the public with a more immediate capture and sorting of the recycled waste at the kerbside. A further report would be presented to Members at the September meeting of Place Scrutiny Committee and include a detailed cost analysis of the proposal.

He provided the following responses to Members:-

- the lifespan of the various recycling and vehicles was advised.
- food waste would be sent to an anaerobic digestion facility in Devon and the by-products would be a compost-like materials and the gas produced in the digestion process generating electricity which could be stored and fed back national grid network.
- information on recycling would be largely pictorial to ensure the information was accessible to all.
- alternative arrangements would be made to ensure that those residents who required assisted waste collection and, on a trial basis, trolleys to move the boxes.

The Deputy Leader Portfolio Holder Climate & Culture also thanked the MRF Manager and his team for their efforts to effectively recycle the waste, and was reassured that in particular Exeter's plastic recycling was being properly dealt with.

Members of Place Scrutiny Committee supported the proposals and requested the Executive note and support the following:-

- (1) findings of the report (Appendix 1 – Update to the Business Case Investigation of Options for Collection of Household Food Waste);
- (2) support Option 4 (weekly kerbside-sort recycling collection, incorporating glass and food waste collection, with three weekly rubbish collection), and consider a detailed analysis of the cost, health & safety and organisational change implications in the next committee cycle; and
- (3) the investment in appropriate material sorting technology to implement Option 4 and maximise commercial recycling opportunities, and consider a detailed cost analysis in the next committee cycle.

(The meeting commenced at 5.30 pm and closed at 8.00 pm)

Chair

## CORPORATE SERVICES SCRUTINY COMMITTEE

Thursday 27 June 2019

### Present:

Councillor Sheldon (Chair)  
Councillors Buswell, Hannaford, Mrs Henson, Lamb, Mitchell, M, Moore, D, Quance, A,  
Vizard and Warwick

### Also present:

Chief Finance Officer, Policy Officer (MP-J), Corporate Manager Democratic and Civic  
Support and Democratic Services Officer (MD)

### 18 MINUTES

The minutes of the meeting held on 28 March 2019 were taken as read, approved  
and signed by the Chair as correct.

### 19 DECLARATIONS OF INTERESTS

No declarations of disclosable interest were made.

### 20 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 19

No questions from members of the public were received.

### 21 QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER 20

No questions from Members were received.

### 22 MODERN SLAVERY TRANSPARENCY STATEMENT

The Policy Officer presented the report, requesting that the Council adopt a Modern  
Slavery Transparency Statement and to authorise the Council Leader and Chief  
Executive and Growth Director to update and republish the document on an annual  
basis.

She explained to Members that Section 54 of the Modern Slavery Act 2015, which  
came into effect in October 2015, required commercial organisations with an annual  
turnover of more than £36 million, to produce a modern slavery transparency  
statement each financial year. Although there was no legal obligation for local  
authorities to publish a statement, many had chosen to do so, to encourage ethical  
business practices and policies and to protect employees from exploitation. The  
publishing of the Statement represented a good practice, and set out what Exeter  
City Council would do to protect its employees and contractors from exploitation.

Members were informed that other Local Authorities were also being encouraged to  
publish transparency statements and that 86 Councils had currently done so.

In response to questions from Members, the Policy Officer explained that

- If modern slavery was identified in the city, Council staff were obligated to contact one of the Safeguarding leads who would call the Police and also contact the Environmental Health department. Environmental Health would carefully monitor the situation, however, it would be a resource intensive area. Modern Slavery will form part of the Safeguarding training provided to all staff.
- The Migrant Worker Action Group (MIGWAG), was comprised of various organisations, including Devon and Cornwall Police, Devon County Council and Exeter City Council. They provided support to people coming into the UK, who could be forced to work in illicit trades.
- The requirement was for suppliers with annual turnovers of more than £36 million to implement modern slavery related procedures. The figure had been set by central Government. The reasoning for that figure, could be confirmed by the Procurement Team, who would provide a response.
- The action requiring suppliers of goods and services to implement due diligence in relation to their own suppliers was only in relation to sub-contractors whose annual turnover exceeded £36 million. Confirmation could be confirmed by the Procurement Team.
- The figures for instances of modern slavery in Exeter and how they compared to other areas, would be provided by the Policy Officer.
- There was no legal requirement to adopt the statement, but it would be good practice to do so. Various local authorities who had adopted the statement had undertaken it differently, but its overall design was to protect people from exploitation. There would be no legal issues for the Council.
- The legislation commencement date would be confirmed to Members.

The Chair commented on the safeguarding training provided to all Licenced taxi drivers in Exeter, and the positive impact it had achieved. He explained that all discussion points raised during the agenda item would be provided to the Executive on 9 July.

The Corporate Services Scrutiny Committee noted the report and requested Executive approve:

- (1) The adoption of the Modern Slavery Transparency Statement 2019-20; and
- (2) The Leader and the Chief Executive be authorised to update and amend the document and republish on an annual basis.

23

## **OVERVIEW OF REVENUE BUDGET**

The Chief Finance Officer presented the report for the Overview of Revenue Budget which advised Members of the overall financial position of the HRA & General Fund Revenue Budgets for the 2018/19 financial year. The report also sought approval for the General Fund working balance, HRA working balance, a number of supplementary budgets and the creation of new earmarked reserves.

Members were referred to the Housing Revenue Account (HRA) balance, which showed a deficit of £186,889 with an overall balance of £10,025,355, at 31 March 2019. The Chief Finance Officer confirmed that there had been less spending, no borrowing and changes made to the Capital Programme.

He referred to the General Fund balance, which showed an under-spend of £2,149,518 against the revised budget of £15,288,840 for Service Committees. There had been two major issues which had impacted on the under-spend during the financial year:-

- The Council had won an appeal for the business rates for the Royal Albert Memorial Museum (RAMM), earning £1million. The Valuation Office, then appealed against this appeal, resulting in the £1million being put on hold, until the outcome of the appeal.
- The agreed transfer of the Valley Parks to the Devon Wildlife Trust (DWT) and the fact that the legal paperwork could not be completed in the last financial year, delayed the agreed payment of £425,000. This had now been resolved.

He discussed the business rate income for the previous financial year, which was based on the 100% business rate pilot, and had generated £950,000 for the Council. The Government hadn't allowed for a second year for the 100% business rate for Devon local authorities. The Chief Finance Officer referred Members to the request for £2,344,257 supplementary budget detailed in the report, providing an overview for the request.

In response to questions from Members, the Chief Finance Officer explained that:-

- There were Section 106 agreements in place for some of the City's Parks and Green Spaces, however the matter was a legal issue. Members could address concerns about the closure of the City's Parks and Green Spaces, where Section 106 agreements were in place to the City Solicitor & Head of HR. A report was also being presented to Executive in July 2019 on the outcome of the consultation.
- The funding for the Council was part of the Government Fair Funding review and would be included as a risk in the Medium Term Financial Plan.
- The Accounts team would be notified about amending the details of the job roles listed in the report.
- Permanent Procurement Officers were now in post, meaning there should be no need for further consultancy spend.
- The £2,149,518 reported underspend partly related to the RAMM appeal, which was currently on hold. Once the outcome was known, it may then be used for potential key services across the city. The legal fees for the appeal may be up to £30,000.
- The £100,000 saving for play areas, was a standalone saving, following the advice from last year, for Council staff to look at ways of reducing expenditure. The current budget would not be reduced to take account of the under-spend from the previous year.
- The Leisure Compensation report would be presented to the Executive Committee on 9 July as a Part 2 item.
- Council Tax was not covered under the Chief Finance Officers area of responsibility, and following changes made to the accounting standards, there

had had been an increase to the bad debt provision. This was not a result of changes in performance of the teams, merely an accounting adjustment.

- The costs for the £50,807 unallocated Central Services, were placed there at the end of the financial year and were not considered to be a significant issue and had not been allocated.

A Member enquired about the terminology of a 'Key Decision' in the reports, which he considered to be misleading. Whilst it was confirmed that in general, key decisions only applied to decisions being taken by the Executive, it was agreed that the terminology used in the committee reports be considered as part of the forthcoming Governance Review.

Corporate Services Scrutiny Committee noted the report and requested Executive and Council to note and approve:

- (1) That the net transfer of £1,717,058 to Earmarked Reserves as detailed in paragraph 9.3.6 is approved;
- (2) That supplementary budgets of £2,344,257 be approved as detailed in paragraph 9.3.8;
- (3) That Earmarked Reserves at 31 March 2019 be noted;
- (4) That the Council Tax account and collection rate be noted;
- (5) That the outstanding sundry debt, aged debt analysis and debt write-off figures be noted;
- (6) That the creditor payments performance be noted;
- (7) By taking into account the overall financial position of the Council, the General Fund working balance at 31 March 2019, be approved at £4,395,024; and
- (8) That the Housing Revenue Account working balance at 31 March 2019 is approved at £10,025,355 and the Council Own Build working balance is approved at £274,855.

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### **CAPITAL OUTTURN**

The Chief Finance Officer presented the report which advised Members of the Council's overall financial performance of the capital programme for the 2018/19 financial year and sought approval of the 2019/20 revised capital programme. Local authorities were required to estimate the total of capital expenditure that it planned to incur during the financial year. Capital expenditure was a significant source of risk and uncertainty, with cost variations, delays and changing specifications being often features of large and complex capital projects. The annual capital programme was updated every three months to show cost variations, changes or acceleration of projects, to help manage risk.

Members were referred to the changes to the Capital Programme since March 2019, listed in the report, highlighting that the in-year capital expenditure was £17,033,202 and had been reduced by £3million from budget. The capital expenditure had been divided into £10,835,944 for the General Fund Total and £6,197,258 for the Housing Revenue Account (HRA) Total.

The Chief Finance Officer highlighted the deferred schemes detailed in the report noting that Members could speak to the Project Managers to explain why a scheme was deferred. He referred Members to the requests for additional funding and explained each as follows:-

- £150,000 for the Energy Saving Projects, to support the new oil boiler replacement at the Corn Exchange and the LED lighting at John Lewis/Leighton

Terrace Car Park. These would be financed by Salix Finance Ltd who provided interest-free Government funding to the public sector to improve their energy efficiency.

- £50,000 for the agile and flexible working project, as part of the EX1 Internal Transformational Change Programme. It was proposed that the money be funded by Revenue Contribution to Capital Outlay, which was already set aside in the Transformation Fund.
- £11,000 to upgrade the Oracle Weblogic, to ensure Exeter City Council was in line with the PSN (Public Services Network) requirements and allow for required maintenance and updates.

He explained, that there was an additional request, which was not shown in the report, to approve an additional budget of £10million from the Capital Fund, to invest in potential commercial opportunities. The existing investment budget was being used and would provide support to the local economy and generate an expected annual income of £591,000, to the Council.

In response to questions from Members, the Chief Finance Officer and the Corporate Manager Democratic & Civic Support responded, that:-

- The purchase of the commercial office block, would be a multiple tenant building that would provide a good return on the investment. The capital receipts would partially offset the cost and allow for a smaller amount of borrowing.
- The Leisure Complex and Bus Station Construction had provisions in place and was carefully monitored, in the event that the contractors change. Contractors were never paid in advance, only upon completion of stages of the work.
- Council had previously approved £100,000 to the Pinhoe Community Hub and had paid £10,000 upfront. Further payments would be made to top up the float, until the work was completed, and the final invoices would then be received. This would ensure work was completed before future payments could be made. The Audit Managers could provide Members with receipts for the Pinhoe Community Hub.
- The Council did not usually purchase commercial properties, but there was a limited amount of commercial accommodation available in the city and wider considerations had been measured. The Council is only interested in investing in Properties that directly impact on the City and its Citizens.
- The additional budget request for the agile & flexible working project, covered the cost for providing suitable networking, as well as office furniture to create flexible working stations for staff, moving to the phase 2 building block.
- The loan from Salix Finance Ltd would be interest free to the Council.
- The cost of the Mallinson Bridge scheme, was more than what was currently budgeted for. Additional funding was being negotiated with Devon County Council, in which the Director (DB) could provide Members with additional information.

Members voted on the recommendations with one Member abstaining from voting on recommendations 1 and 2.

Corporate Services Scrutiny Committee noted the report and requested Executive and Council approve the following:-

- (1) The overall financial position for the 2018/19 annual capital programme;
- (2) The amendments and further funding requests to the Council's annual capital programme for 2019/20; and
- (3) An additional £10 Million to allow consideration of any further potential commercial opportunities if they arise.

25

### **TREASURY MANAGEMENT**

The Chief Finance Officer presented the report on the current Treasury Management performance for the 2018/19 financial year, and the position of investments and borrowings at 31 March 2019. There was a statutory requirement to publish regular reports on Treasury Management to Council, which included an annual Treasury Management Strategy, half yearly reports and a year-end report as a minimum requirement.

The Chief Finance Officer referred Members to the General Fund net interest position, highlighting that that £80,515 actual interest had been paid. He explained the savings made, stating that it had been a positive financial year, and that the Council could use the borrowing and repayment dates, to monitor repayments.

In response to questions from Members, the Chief Finance Officer explained that the Council only invested in fixed term amounts from banks. However who these banks dealt with, was a matter for themselves and as such could include third parties who dealt in fossil fuels. Other companies Exeter City Council were involved with, were Exeter City Living, Exeter Science Park, Strata and the Exeter Business Centre. The Council itself did not directly invest in Companies involved in fossil fuels.

Corporate Services Scrutiny Committee noted the Treasury Management report for the 2018/19 financial year and recommended the Executive and Council note the content of the report.

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### **BUDGET MONITORING REPORT**

The Chief Finance Officer presented the 2018/19 budget monitoring report which advised Members of the material differences, by management unit, between the approved 2018/19 budget and the actual outturn for the Corporate Scrutiny Committee. The Council had a statutory responsibility to present a quarterly financial update, which set and monitored budgets during the financial year and to take required action as needed. He stated that the total variance for the year was £253,786, after transfers from reserves, which equated to 3.17% from the revised budget, and included £677,590 of the supplementary budgets agreed by Council.

The Chief Finance Officer stated that he would stop providing the budget monitoring report to future meetings and instead divide the Overview and Revenue Budget into two reports, covering the General Fund and HRA.

Corporate Services Scrutiny Committee noted the report and were assured that satisfactory actions were being undertaken by Officers to address the key areas of budgetary pressure, as highlighted in the report.

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### **MEMBERS' ALLOWANCES**

The Corporate Manager Democratic & Civic Support presented the report on the allowances paid to Elected Members in 2018/19, as the Council had a statutory obligation to publish all allowances paid, and expenses claimed by Members each financial year. In response to a question from a Member, the Corporate Manager Democratic & Civic Support, explained that:-

- The figures provided in the report covered two municipal years and therefore showed figures for Councillors who had lost or given up their seats in May 2018; as well as those who were first elected at that time. This meant that there were more than 39 individuals listed, who had received a basic allowance, or partial allowance during the year.
- The number of Special Responsibility Allowances, paid during the year was less than 50% of the overall number of Councillors. It was noted that this was in-line with good practice and also with the recommendations of the Council's Independent Remuneration Panel.

Corporate Services Scrutiny Committee noted the allowances paid and the expenses claimed by Members in 2018/19.

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

Chair

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## EXECUTIVE

Tuesday 11 June 2019

### Present:

Councillor Bialyk (Chair)  
Councillors Sutton, Foale, Ghusain, Harvey, Morse, Pearson and Wright

### Apologies:

Councillors Leadbetter and Mitchell, K

### Also present:

Director (BA), City Solicitor & Head of HR, Service Lead Housing Tenancy Services, Environmental Health and Licensing Manager and Corporate Manager Democratic and Civic Support

50

### MINUTES

The minutes of the meeting held on 9 April 2019 were taken as read, approved and signed by the Chair as correct.

51

### DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

52

### TOWARDS CARBON NEUTRAL EXETER

The Portfolio Holder, Climate and Culture, presented the report, stating that on 15th March 2019, Exeter City Council, declared its commitment to make Exeter a Carbon-Neutral City by 2030, which was aligned to the vision for the City. Exeter had a world-class reputation in climate and environmental research and had pioneered Passivhaus standards in the UK, deployed renewable generation across its public sites and delivered large-scale district heating networks, over the past decade.

The Portfolio Holder introduced Dr Liz O'Driscoll, Programme Director with Exeter City Futures, who explained that in 2016, Exeter City Council and Global City Futures had established Exeter City Futures Community Interest Company (ECF CIC), as an organisation to bring stakeholders together to identify and implement plans towards carbon neutral. Since then, other organisations in the City had joined this partnership including the Exeter University, College, Devon County Council, and the Royal Devon and Exeter Hospital.

During discussion, the following points were raised:-

- That there had been some confusion with the wording used in the report, particularly the use of the terms Carbon Neutral and Zero Carbon, which it was noted meant different things. The Programme Director confirmed that the wording Carbon Neutral should be used throughout the report, including in two of the recommendations which were changed accordingly;

- That the Leader had recently attended a meeting of Devon Leaders which had discussed this matter. He consequently moved that there be an additional recommendation added to those published (listed as number 8 below), and that the report considered by that meeting should be similarly considered by the Special Place Scrutiny Committee scheduled for 18<sup>th</sup> June 2019;
- That extensive consultation work had been undertaken by Exeter City Futures (ECF) which had resulted in the creation of 12 goals towards which each all partner organisations would aspire to meet the target of a carbon neutral city by 2030.

**RECOMMENDED that:-**

- (1) Executive recommends, that Council declare a 'Climate Emergency';
- (2) Executive are minded to recommend the following to the Council on 23 July, subject to detailed consideration by a special meeting of Place Scrutiny, scheduled for 18 June 2019, with the results of that consideration being reported back to Executive on 9 July 2019;
- (3) The carbon neutral target for Exeter is framed in a way that links to wider regional targets. This shows Exeter's intention to decrease its emissions without increasing emissions in the wider region;
- (4) Exeter City Council commit to their operations becoming carbon neutral ahead of the 2030 date and mobilise resource to develop internal plans to deliver the target.
- (5) Exeter City Council request a "Carbon Neutral Delivery Team" is convened by ECF CIC to establish a city plan for delivery that builds on the Energy Independence Roadmap produced by ECF CIC and uses the 12 Goals as the basis of the approach (see Appendix 1 to the report presented to the meeting, for a list of the Goals). The Zero Carbon delivery team will:
  - o Draw together existing evidence and data to establish baseline state of the City presented under each of the 12 Goals.
  - o Conduct a full audit of the City to highlight gaps between current plans and what is required to achieve zero carbon
  - o Define a clear city plan showing outcomes that will need to be met to deliver zero-carbon, how existing activities support and where there are gaps.
  - o Identify immediate opportunities and crucial first steps
- (6) Exeter City Council commit resource to be part of the Carbon Neutral Delivery Team and, due to the urgency required, co-locate those resources with ECF CIC to ensure that the City Council is leading by example and sharing learning with other ECF CIC Member organisations and the wider ECF CIC Partner Network. (A list of current members of the ECF CIC Partner Network was provided in Appendix 2 to the report);
- (7) Exeter City Futures CIC be requested to convene "Carbon Neutral Mandate Group" through a series of summits to validate, challenge and endorse the Roadmap produced by the Zero Carbon working group.
- (8) That Exeter City Council support the work of the Devon Climate Emergency Response Group (CERG) and note the outcomes and recommendations,

including a "Peoples Assembly." The attached paper should be considered by the Place Scrutiny Meeting at its meeting to be held on 18th June 2019.

53

#### **EMPTY HOMES STRATEGY 2019 - 2022**

The Portfolio Holder, Supporting People, presented the report which set out the new 2019-2022 Empty Homes Strategy including the key objectives, actions and methodology for achieving them. She explained the importance of having an empty homes strategy which set out the measured targets, links with other departments to provide a joined up housing service and the potential of increased revenue through the use of new homes bonus.

People Scrutiny Committee considered the report at its meeting on 6 June 2019 and its comments were reported.

The contents of the strategy were supported, with officers being wished success with its implementation.

**RECOMMENDED** that the Executive support and the Council adopt the 2019-2022 Empty Homes Strategy.

54

#### **ADOPTION OF HOARDING IN COUNCIL PROPERTIES POLICY**

The Portfolio Holder, Council Housing Development and Services, presented the report which set out the draft policy in relation to Hoarding in council properties, which was becoming more of a prevalent issue in both the social and private housing sector and presented a number of risks, as outlined in the report presented to the meeting. Hoarding was a complex area of work and under the Equality Act 2010 people who hoarded or cluttered were recognised as having a mental illness and were considered to have a protected characteristic. The policy would provide officers with clear guidelines on how to approach this challenging area of work.

People Scrutiny Committee considered the report at its meeting on 6 June 2019 and its comments were reported, including revised wording to section 9 of the policy, which was accepted by the Executive as appropriate.

During discussion, members wished the hard work of Council staff in developing this policy, as well as dealing with tenants who exhibit hoarding tendencies, to be recorded.

**RECOMMENDED** that the Executive support and Council adopt the Hoarding in Council Properties Policy.

55

#### **PROPOSAL TO ADOPT AN UPDATED ANIMAL LICENSING POLICY**

The Portfolio Holder, Equalities, Diversity and Communities, presented the report which detailed the updated Animal Licensing Policy. She informed Members that, following the changes made by the Department for Food and Rural Affairs (DEFRA) a revised policy had been developed, which updated the current Animal Licensing Policy, which had been approved by the Licensing Committee on 31 October 2017. The original policy had been developed following a consultation process with DEFRA and had earned Exeter City Council a silver award from the RSPCA in October 2018.

The Licensing Committee considered the report at its meeting on 28 May 2019 and its comments were reported.

**RECOMMENDED** that the Executive support and Council adopt the Animal Licensing Policy.

56

### **REVIEW OF THE CONSTITUTION**

The Leader of the Council presented the report which set out a proposal to set up a small cross party Working Group to review the Council's constitution. He explained that he had requested a review of the Council's constitution to ensure that it remained fit for purpose, and continued to provide an efficient and effective decision making process for the Council.

The Corporate Manager, Democratic & Civic Support, and City Solicitor & Head of HR, had prepared terms of reference for the working group, following discussion with the Leader of the Council, which were provided as part of the report.

The Leader stated that it was not an intention of this review, and any recommendations arising therefore, to increase the overall budget for Members' Allowances.

It was noted that once the Working Group had met, its recommendations would be presented to a future meeting of the Executive, with its recommendations then being considered by Council.

**RECOMMENDED** that a small cross party Working Group be established to review the Council's Constitution, in accordance with the submitted Terms of Reference.

57

### **HONORARY ALDERMAN**

The Corporate Manager Democratic & Civic Support presented the proposal to offer the position of Honorary Freeman of the City to Mr Percy Prowse, in recognition of his outstanding service to the Council over his 12 years of office on the Council, which included his time as Lord Mayor in 2014. He explained that under Section 249 of the Local Government Act 1972, the Council had the power to grant the position of Honorary Alderman of the City to any individual who it felt had given eminent service to the City.

**RECOMMENDED** that in accordance with Section 249 of the Local Government Act 1972, the Right Worshipful the Lord Mayor be requested to convene an Extraordinary meeting of the Council, on the rising of the Ordinary meeting of the Council on 23 July 2019, to consider granting the position of Honorary Alderman of the City to Mr Percy Prowse.

58

### **OUTSIDE BODIES LIST**

The Corporate Manager Democratic & Civic Support presented the report on appointing Members to serve on outside bodies, to ensure that the Council was represented on the outside bodies. He requested that in view of many of the organisations upon which it was being recommended that the Council should be represented, meeting before the scheduled Council meeting on 23<sup>rd</sup> July 2019, that all appointments contained in the report presented, be confirmed with immediate effect.

**RESOLVED** that the nominees contained in the report presented to the meeting, and as attached as Appendix A to these minutes, be confirmed with immediate effect.

**RECOMMENDED** that the Corporate Manager Democratic and Civic Support be granted delegated powers, in consultation with the Group Leaders, to appoint, when necessary, representatives to outside bodies during the course of the Municipal Year.

59            **LEISURE COMPLEX AND BUS STATION PROGRAMME BOARD MINUTES**

The minutes of the Leisure Complex and Bus Station Programme Board meeting held on 25 April 2019 were submitted.

The Portfolio Holder, Leisure & Physical Activity, advised the Executive that he would be asking for site visits to the St Sidwell's Point building site, to be made available to all councillors.

**RESOLVED** that the minutes of the Leisure Complex and Bus Station Programme Board meeting held on 25 April 2019 be received and, where appropriate, adopted.

60            **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1, Schedule 12A of the Act.

61            **URGENT ITEM FOR NOTING - 30 AND 31 HIGH STREET**

The Chair informed Executive, that he had agreed to the following matter being considered as urgent business, due to the need to expedite the decision contained therein, which would be commercially adversely affected if it waited until the next scheduled meeting of the Executive. He confirmed that this was in accordance with the Council's constitution, and was for noting only.

**RESOLVED** that it be noted that a decision had been taken by the Chief Executive & Growth Director, in conjunction with the Leader of the Council and Chair of Corporate Services Scrutiny Committee, to restructure the existing leases at 30 and 31 High Street, Exeter.

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

Chair

**The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on**

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**SEATING IN THE GUILDHALL**

# Agenda Annex

		Deputy Lord Mayor Councillor Mrs Henson (C)	Chief Executive & Growth Director	Lord Mayor Councillor Holland (C)	Corporate Manager Democratic/Civic Support	City Solicitor & Head of HR	
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Democratic Services Officer				Director	Chief Finance Officer	Director
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Councillors	Councillors	Councillors		Councillors	Councillors
Warwick (L)	Sheldon (L)	Bialyk (L)	TABLE	Leadbetter (C)	Mitchell, K.J. (LD)*
Vizard (L)	Owen (L)	Sutton (L)		Newby (C)	Mitchell, M.N.(LD)*
Oliver (L)	Packham (L)	Pearson (L)		Pierce (C)	Moore, D.F. (G)*
Atkinson (L)	Sills (L)	Morse (L)		Henson, D. (C)	Moore, J.M. (I)*
Pattison (L)	Lamb (L)	Foale (L)			
Branston (L)		Wright (L)			

Cllr Quance, I (L)	Cllr Quance, A.A. (L)	Cllr Begley (L)	Cllr Buswell (L)	Cllr Harvey	Cllr Wood (L)	Cllr Ghusain (L)	Cllr Williams (L)	Cllr Wardle (L)
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**L: Labour: 29**  
**C: Conservative: 6**  
**LD: Liberal Democrat: 2\***  
**G: Green 1\***  
**I: Independent 1\***  
 \* Known as the  
**Progressive Group**

**Portfolio Holders**

Bialyk: Leader,  
 Sutton: Deputy Leader and Climate & Culture  
 Morse: Supporting People  
 Wright: Council Housing Development and Services  
 Harvey: Environment and City Management  
 Foale: City Development and Planning  
 Pearson: Leisure and Physical Activity  
 Ghusain: Equalities, Diversity and Communities

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