



Exeter City Council

A virtual meeting of **EXETER CITY COUNCIL** will be held on **TUESDAY 15 DECEMBER 2020**, at 6.00 pm, via Zoom (the Press and Public can contact the Democratic Services Officer on 01392 265107 for further details) as legislation has been passed to allow Council's to hold meetings remotely.

If you have an enquiry regarding any items on this agenda, please contact John Street, Corporate Manager Democratic & Civic Support on 01392 265106. During the Corona Virus outbreak, meetings will be held by virtual means. The live stream can be viewed here:

<https://www.facebook.com/exetercitycouncil/live/%E2%80%99> at the meeting start time.

	Pages
1 Minutes	
To approve and sign the minutes of the Ordinary and Extraordinary meetings of Council held on 20 October 2020.	7 - 20

	Pages
2 Councillor Rachel Lyons - Request for Extension to Period of Absence (Section 85 Local Government Act 1972)	
Members will be aware that they have a statutory responsibility to attend at least one meeting of the authority every six months. If they fail to do this, they are disqualified with immediate effect, unless the Council has agreed to an extension to this period of absence.	
Cllr Lyons last attended a meeting on 21 st July, meaning her six month period for attendance would expire on 21 st January. Over the past few months she has been unwell including several periods in hospital, and she has been too unwell to attend any meetings. She has asked that the Council consider approving an extension to her period of absence to take her up to end of the 2020/21 municipal year, during which she hopes to have made a recovery which will allow her to resume her duties as a Councillor.	

Section 85(1) of the Local Government Act 1972 states, inter alia:

'...if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.'

RECOMMENDED

That in accordance with section 85(1) of the Local Government Act 1972, it is approved that Cllr Rachel Lyons be granted an extension to her period of

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absence to the end of the 2020/21 Municipal Year, 5th May 2021.

3	Official Communications	Pages
4	Public Questions	
	Details of questions should be notified to the Corporate Manager Democratic and Civic Support at least three working days prior to the meeting - by 10am on Thursday 10 December 2020. Further information and a copy of the procedure are available from Democratic Services (Committees) (Tel: 01392 265115) with details about speaking at Council to be found here: Public Speaking at Meetings .	

To receive minutes of the following Committees and to determine thereon:-

5	Planning Committee - 12 October 2020	21 - 52
6	Planning Committee - 26 October 2020	53 - 76
7	Planning Committee - 16 November 2020	77 - 106
8	Licensing Committee - 27 October 2020	107 - 110
9	Licensing Committee - 30 November 2020	111 - 114
10	Strategic Scrutiny Committee - 19 November 2020	115 - 124
11	Customer Focus Scrutiny Committee - 3 December 2020	125 - 132
12	Audit and Governance Committee - 25 November 2020	133 - 140
13	Executive - 3 November 2020	141 - 146
14	Executive - 1 December 2020	147 - 156
		Pages
15	Notice of Motion by Councillor Oliver under Standing Order Number 6.	

This Council notes that:

The Covid-19 emergency has exposed major inequalities across the country, with children and families suffering disproportionately. Between March and August 2020 there has been a 115% increase in Universal Credit claimants nationally, and in Devon an even greater increase: 165% for all claimants and 173% for 16-24 years old. Trussell Trust research shows three million children in the UK are at risk of hunger during the school holidays.

Foodbank use has dramatically increased. The Independent Food Aid Network recorded a 59% increase in demand for emergency food support between February and March 2020. The [Exeter Foodbank states](#) that figures from Citizens Advice show a 78% rise in enquiries about food banks in the past six months.

The UK Government has committed to UN Sustainable Development Goals, which have an international and domestic commitment to ending hunger by 2030.

The UK Government has asked businessman and cookery writer Henry Dimbleby to lead on producing a [National Food Strategy](#).

This Council believes that:

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- No one in Exeter should go hungry, and children least of all.
- Food justice is about taking action on the causes of hunger such as affordability and availability of good quality nutritious food.
- The current Covid-19 pandemic and the lockdown imposed on the majority of the City's economic activities have revealed and exacerbated existing inequalities, leading to further unemployment and income insecurity, and more food poverty as a result.
- Exeter City Council, Devon County Council, schools, faith and voluntary groups have played a key role in supporting those suffering food poverty during the Covid-19 pandemic, and that should be recognised.

The Council resolves:

1. That the Portfolio Holder for Communities and Culture supported by the Member Champion for Equality and Diversity take responsibility to:
 - a) develop a city-wide food action plan.
 - b) set up a working group to research and map the extent of food poverty in the city;
2. To commit to setting up a food partnership with Devon County Council, city-based partners and stakeholders to develop and implement the Exeter Food Action Plan;
3. To campaign, in association with Exeter MPs, for Government to:
 - a) legislate the existing commitment to the UN Sustainable Development Goals to end hunger by 2030;
 - b) commit funding in the next spending review to increase access to nutritious food, whilst awaiting development of the National Food Strategy;
 - c) support local food production and suppliers, so that food supplies are sustained throughout the pandemic and as a result of exiting the EU, to protect workers' jobs, and to contribute to Exeter's commitment to Net Carbon Zero 2030; and
 - d) increase Universal Credit to help people suffering food poverty, with an equivalent uplift to those on legacy benefits.

Pages

16 Notice of Motion by Councillor D. Moore under Standing Order Number 6

Council notes:

- The interest shown by developers to bring forward planning applications for co-living developments in Exeter;

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- Currently Co-living is not defined in the National Planning Policy Framework or Exeter Planning Policy; and
- Planning authorities in London and Manchester have sought to develop planning policies to set out the requirements for Co-living so that planning decisions may be clearly determined.

Council resolves:

- To develop planning policy to set out the requirements for Co-living either by amending existing local supplementary planning policy or by developing new supplementary planning policy.
- To set up a cross party working group of Members to consider the matter and inform the drafting of planning guidance for consideration by this Council; and
- To progress this matter the working group is requested to prepare a report for presentation to Council in April 2021.

Pages

17 Questions from Members of the Council under Standing Order Number 8.

Question from Councillor Hannaford

1. Bearing in mind that the new Domestic Abuse Bill 2020 aims to raise awareness and understanding about the devastating impact of domestic abuse on victims, survivors, and their families, with a clear focus on the voice of the child, and seeks to further improve the effectiveness of the justice system in providing protection for victims of domestic abuse and bringing perpetrators to justice, and strengthen the support for victims of abuse by statutory agencies, can I please ask the Leader of the Council, how will Exeter City Council implement the areas in the Bill that specifically relate to District Councils, including the new “duty to comply”?
2. How will Exeter City Council apply and monitor the areas in the Bill that specifically relate to social housing tenants?
3. How will Exeter City Council work with all key stakeholders, service partners, agencies and charities to raise awareness, campaign and give help, advice and support?
4. How will Exeter City Council interact with the Domestic Abuse Partnership (Board)?
5. Can we please have further reports and updates on these specific matters through the scrutiny process?
6. Can we please consider an annual report on domestic and sexual violence and abuse on an Exeter specific basis?

Office of Corporate Manager Democratic & Civic Support			
Civic Centre, Paris Street, Exeter, EX1 1JN	Tel: 01392 277888	Fax: 01392 265593	www.exeter.gov.uk

Date: Monday 7 December 2020

Karime Hassan
Chief Executive &
Growth Director

Office of Corporate Manager Democratic & Civic Support			
Civic Centre, Paris Street, Exeter, EX1 1JN	Tel: 01392 277888	Fax: 01392 265593	www.exeter.gov.uk

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COUNCIL
(HELD AS A VIRTUAL MEETING)

Tuesday 20 October 2020

Present:-

The Right Worshipful the Lord Mayor Councillor Peter Holland (Lord Mayor)
Councillor Mrs Yolonda Henson (Deputy Lord Mayor)
Councillors Atkinson, Begley, Bialyk, Branston, Buswell, Foale, Foggin, Ghusain, Hannaford, Harvey, Henson, D, Lamb, Leadbetter, Mitchell, K, Mitchell, M, Moore, D, Moore, J, Morse, Newby, Oliver, Owen, Packham, Pearson, Martin, A, Quance, Sheldon, Sills, Sparkes, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright

42 **MINUTES SILENCE - COUNCILLOR JUDY PATTISON**

The Council observed a minute's silence in memory of Councillor Judy Pattison who had recently passed away.

Councillor Pattison had been elected as a Labour Councillor to the City Council in May 2018 and had previously been Mayor of Camden in 2002/03.

Members' thoughts were with the family at this difficult time.

43 **APOLOGIES**

An apology for absence was received from Councillor Lyons.

44 **MINUTES**

The minutes of the meeting of the Council held on 21 July 2020 were moved by the Leader, seconded by the Deputy Leader Councillor Sutton, taken as read and approved for signing as correct at the earliest possible convenience.

45 **OFFICIAL COMMUNICATIONS**

The Lord Mayor reported that Councillor Lyons was currently in hospital and asked Members to join him in wishing her a speedy recovery.

The Lord Mayor also reported the following:-

- the flying of the RAF flag over the Guildhall on 15 September 2020 commemorating the 80th Anniversary of the Battle of Britain Day;
- the success of the annual Heritage Open Days last month showcasing the city's history by opening up buildings and spaces and referred to the Devon and Exeter Institution having recently received £1 million in National Lottery Heritage Grant Fund;
- his visit to the Commando Training Centre Royal Marines Lympstone and to being informed by Colonel Simon Chapman, the Camp Commandant, of the

- close liaison with the University of Exeter to ensure the appropriate response by Camp personnel to the Covid-19 pandemic;
- the recent refurbishment of 24 dwellings at the Attwill's Almshouses on New North Road; and
 - the use of the Guildhall for a socially distanced wedding in September.

The Lord Mayor congratulated the following:-

- the Exeter Chiefs on their victory over Racing 92 to win the Heineken Champions Cup in Bristol on 17 October 2020;
- Councillor Richard Branston on completing 20 year's public service since elected to the City Council;
- Hazel Bound, a former Deputy Mayor in 1997, who had received a British Empire Medal in the Queen's Birthday Honours for her work supporting the Long Distance Walking Association in the South West;
- Julian Tagg, Chairman of Exeter City Community Trust, awarded a British Empire Medal for services to sport and the community in Exeter; and
- Jo Yelland, Director Transformation, awarded a British Empire Medal for her service in reducing health inequalities in the city, through her work on Wellbeing Exeter.

The Leader reported the following appointments to the bodies indicated:-

Council Housing and Development Advisory Board

Councillors Hannaford, D. Moore, Packham, Wardle and Wright.

Harbour Board

Councillors Harvey, Leadbetter, Sills, Sparkes and Pearson.

46

PUBLIC QUESTIONS

The Lord Mayor reported the receipt of three questions from the public.

Mrs. C Thompson to Councillor Bialyk, Leader.

Mrs Thompson was not present and her question was read out by the Corporate Manager Democratic and Civic Support.

The Audit and Governance meeting reported funding for Pinhoe Hub was approved at Council, although Minutes state -'Whilst the funding has been set aside Council also needs to approve an expenditure budget to enable the funding to be used', - could the Leader advise when the required expenditure budget was presented to Council for approval?

Response

Thank you Mrs. Thompson for your question.

Minute 114 to which Mrs Thomson refers begins:-

The report of the Assistant Director Finance was submitted which sought approval for an expenditure budget of £100,000, to enable the funding set aside for the new Community Hub in Pinhoe to be allocated.

The resolution of the Council was to adopt the recommendation below:-

RECOMMENDED that Council approves an expenditure budget of £100,000 as Exeter's contribution to the new Community Hub planned for Pinhoe.

Therefore the expenditure budget was approved at the Council meeting on 18 October 2016.

Mrs. C Thompson to Councillor Bialyk, Leader.

Mrs. Thompson was not present and her question was read out by the Corporate Manager Democratic and Civic Support.

Following the conclusion of the objection to the City Council's 2018/19 annual accounts, could the Leader advise when the findings of the objection noted in the Statement of Reasons letter by the External Auditor will be presented to the Audit and Governance Committee and made available to the public?

Response

The Leader stated that the Statement of Reasons is a letter from Grant Thornton to Mrs. Cynthia Thompson. It is not directed to Exeter City Council. It will not therefore be presented to Committee or published as it is not our document.

Marilyn Spurr to Councillor Sutton, Deputy Leader and Portfolio Holder for Climate and Culture

Marilyn Spurr was unable to present her question due to Zoom connection difficulties and therefore the question was read out by the Corporate Manager Democratic and Civic Support.

On 21st July I asked the Council if it would give the climate emergency the same prominence on its web site as the Coronavirus information. From the response, I was led to believe that the answer was 'yes' and I expected to see it given a position on the home page. Would the Councillors agree that the site still does not convey a sense of urgency?

Response

Since this was last brought to Council, the Leader of the Council has designated the Deputy Leader of the Council in charge of Net Zero, a Director has been tasked with responsibility for delivering and resourcing it, and it has been added as a core corporate priority for the Council to deliver on. There is no doubt of its importance in our Autumn update of Our Strategy.

The Council took a proactive stance in communicating Net Zero to residents and continues to take the lead.

It was placed on the Home Page with a link to the news item as requested but subsequently changed when it needed to. There may be continued cosmetic changes to the front page of the website and services as information around the pandemic needs to be communicated to residents which is a priority. The Net Zero Carbon ambitions are crucial to the City Council going forward.

47

PLANNING COMMITTEE - 7 SEPTEMBER 2020

The minutes of the Planning Committee of 7 September 2020 were presented by the Deputy Chair, Councillor Williams, and taken as read.

In respect of **Minute No. 62 (Petition referred from Council on 21 July 2020 – Save Our Historic Exeter)**, the Portfolio Holder for City Development, in response to a query from a Member, confirmed that the City Council, in common with all local authorities, was required to consult fully in bringing forward its Local Plan.

RESOLVED that the minutes of the Planning Committee held on 7 September 2020 be received and, where appropriate, adopted.

48

PLANNING COMMITTEE - 17 SEPTEMBER 2020

The minutes of the Planning Committee of 17 September 2020 were presented by the Chair for that meeting, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 17 September 2020 be received.

49

STRATEGIC SCRUTINY COMMITTEE - 24 SEPTEMBER 2020

The minutes of the Strategic Scrutiny Committee of 24 September 2020 were presented by the Chair, Councillor Sills and taken as read.

In respect of **Minute No. 19 (Minutes)**, the Deputy Leader and Portfolio Holder for Net Zero Exeter 2030, in response to a query from a Member, advised that City Council Members and Officers were in consultation with Devon County Council on its Transport Strategy and that, subject to the views of the Chair of this Committee, an appropriate opportunity would be sought for a presentation on the Strategy to be made to the Committee. The Chair advised that this would be addressed after the end of the Covid-19 pandemic.

RESOLVED that the minutes of the Strategic Scrutiny Committee held on 24 September 2020 be received.

50

CUSTOMER FOCUS SCRUTINY COMMITTEE - 8 OCTOBER 2020

The minutes of the Customer Focus Scrutiny Committee of 8 October 2020 were presented by the Chair, Councillor Vizard and taken as read.

In respect of **Minute No. 26 (Presentation on Covid-19 Recovery by Portfolio Holders and Questions from Members and Answers)**, the Portfolio Holder for Communities and Culture, in response to a query from a Member regarding the Exeter Connect report and preparations for a second wave of the Covid-19 pandemic, advised that the City Council was in the process of consulting with all mutual aid groups on this issue. Plans and the necessary infrastructure were in place including the Exeter Wellbeing hub which could be re-activated if necessary.

RESOLVED that the minutes of the Customer Focus Scrutiny Committee held on 8 October 2020 be received.

AUDIT AND GOVERNANCE COMMITTEE - 16 SEPTEMBER 2020

The minutes of the Audit and Governance Committee of 16 September 2020 were presented by the Councillor Wardle, and taken as read.

In respect of **Minute No. 29 (Internal Audit Progress Report)**, and responding to a query from a Member regarding the procedures surrounding a letter from the External Auditor relating to the Pinhoe Community Hub, the Leader referred to the response to a question from a member of the public earlier in the meeting (Min. No. 46 above refers) in respect of the Statement of Reasons letter issued by Grant Thornton to that member of the public. He asked that a meeting be arranged between the Council Member, the Chair of the Audit and Governance Committee and the Director Finance to explain the background to the letter.

Also, in respect of Minute No. 29, and in response to the following question from another Member:-

“Can the Leader confirm that a lease agreement, and grant agreement or contract is now in place with the Pinhoe Community Hub - both will be crucial to enable the organisation to access investment from other funders.”

the Leader advised that he was pleased with the progress being made in bringing forward the community hub for Pinhoe, for which a grant of £100,000 had been made by the Council. He was not aware of any problem in the granting of this money for an area which was undergoing a lot of development and where there was an absence of community facilities. He stated that many in Pinhoe would welcome this hub facility which was desperately needed for the community.

RESOLVED that the minutes of the Audit and Governance Committee held on 16 September 2020 be received.

The meeting was briefly adjourned at 19.03 to resolve a technical issue with Zoom and re-convened at 19.09.

STRATA JOINT SCRUTINY COMMITTEE - 8 SEPTEMBER 2020

The minutes of the Strata Joint Scrutiny Committee of 8 September 2020 were presented by Councillor Atkinson, and taken as read.

RESOLVED that the minutes of the Strata Joint Scrutiny Committee held on 8 September 2020 be received and, where appropriate, adopted.

STRATA JOINT EXECUTIVE COMMITTEE - 22 SEPTEMBER 2020

The minutes of the Strata Joint Executive Committee of 22 September 2020 were presented by the Leader, Councillor Bialyk, and taken as read.

RESOLVED that the minutes of the Strata Joint Executive Committee held on 22 September 2020 be received.

EXECUTIVE - 1 SEPTEMBER 2020

The minutes of the Executive of 1 September 2020 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 87 (Food Law and Health and Safety Enforcement Service Plan 2020-2021)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 88 (Financial Assistance Policy for the Better Care Fund)**, the Leader moved and the Deputy Leader seconded the recommendation and it was carried unanimously.

In respect of **Minute No. 90 (Freedom of the City)** the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

RESOLVED that the minutes of the Executive held on 1 September 2020 be received, and where appropriate, adopted.

55

EXECUTIVE - 6 OCTOBER 2020

The minutes of the Executive of 6 October 2020 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 96 (Changes to Executive Portfolios and Priorities 2020/21)**, the Leader moved and the Deputy Leader seconded the recommendation that Councillor Morse be appointed Chair of the Planning Committee and it was carried.

In respect of **Minute No. 97 (Exeter City Council Annual Infrastructure Funding Statement)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 98 (2020/21 General Fund Capital Monitoring Statement – Quarter 1)**, the Leader, in response to a query from a Member, confirmed that the principle of reducing carbon emissions in line with the Net Zero Exeter 2030 ambitions was embedded within each scheme. This included the Pines Gardens Gatehouse scheme which he particularly commended.

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

In respect of **Minute No. 99 (Overview of General Fund Revenue Budget 2020/21 - Quarter 1)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 100 (2020/21 HRA Budget Monitoring Report – Quarter 1)** the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 102 (Amendments to the Scheme of Delegation and Terms of Reference for the Licensing Sub-Committee)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of **Minute No. 103 (Corporate Asset Maintenance)**, and in response to the following question from a Member:-

“At the Strategic Scrutiny Committee meeting in July, the Leader of the Council outlined plans for the feasibility for 283 homes on the site of the Cathedral and Quay and Mary Arches Car Parks. Does the Portfolio Holder believe that committing

significant investment in multi-story car parks now which may then be demolished in a few year's time for housing represents good value for money or should be decided now given that Council has not seen the outcome of any of the feasibility studies?"

the Leader advised that the Council had withdrawn proposed funding of £3.9 million for car park improvements, including these car parks, to properly evaluate whether these projects were good value for money. This was in the context of the Council's ambition through the Liveable Exeter project to provide much needed rented accommodation in the city centre. The plans for rented accommodation provision were still in the formative stage and it was the intention for Members to be appraised of progress in due course including through a Members' briefing. However, as there would remain a need to continue to provide car parking in the city, even beyond 2030, it was important to ensure that the city's car parks were fit for purpose.

In response to a question from another Member, the Leader confirmed that it was the intention to put the Council's 2030 carbon neutral commitment at the heart of car park repairs and that the carbon impact of each project would be assessed and monitored. The Leader referred to the total estimated cost of £37.5 million of repairing the Council's assets and that all properties, including car parks, were assessed within a definition of level B to show that a property was performing as intended and being fit for purpose. The Council's commitment to be a sustainable carbon neutral city by 2030 should therefore be considered in the context of the considerable financial challenges being faced by the authority.

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

In respect of **Minute No. 106 (Support for District Heating Network to serve the Alphington Strategic Allocation and South West Exeter)**, the Leader undertook to respond in writing to the following questions from a Member:-

- clarify what fuel will be used for the back up to the heating system;
- guarantee that the recommendation will not proceed until there will be a connection to the housing;
- what alternatives will be explored at the end of the contract to ensure that the districts are not locked into the incineration which, whilst better than landfill, is still the largest single emitter of CO₂ in the city; and
- confirm that there will not be a contract put in place to guarantee the supply of waste to be burned in order to ensure sufficient heat to supply the district heating system.

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

RESOLVED that the minutes of the Executive held on 6 October 2020 be received, and, where appropriate, adopted.

The meeting adjourned at 19.49 and re-convened at 19.55.

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

Councillor D. Moore, seconded by Councillor K. Mitchell, moved a Notice of Motion in the following terms:-

“Making Votes Matter in Local Elections

Council notes that:

- 1. The electoral system used for local elections in England and Wales, First Past the Post (FPTP), is not a fair system, because it means that votes do not have equal weight and many votes are wasted. Exeter is no exception.*
- 2. The alternative to FPTP is a system of Proportional Representation (PR), where votes cast for parties translates more or less directly into seats won. There are many variants of PR. The Single Transferable Vote System (STV) variant of PR is already in use for local elections in Scotland and Northern Ireland. With this system, voters rank candidates in order of preference and those who receive the most backing (including second and subsequent choices) are elected to serve in multi-member wards.*
- 3. Exeter City Council (in common with most other district councils) already has multi-member wards and thus the transfer to a proportional system would be easier than if the wards were single-member.*
- 4. The introduction of PR for local elections in Scotland has led to an increase in turn-out, which was 47% at the last elections held in 2017. In contrast turn-out in the Exeter City Council election in 2019 was 36%. This suggests that the improved representation offered by PR encourages greater engagement in local democracy.*
- 5. That PR should be introduced as the voting system in any further Government devolution, and reorganisation of local government, in order to improve democratic participation and accountability in local government.*

Council believes:

There should be a move to the use of a system of proportional representation for local elections as soon as is practicably possible as this would boost turn-out and elect a council which is more representative of the range of political views of Exeter’s residents.

This Council resolves:

- 1. To call upon Her Majesty’s Government to*
 - a. commit to changing electoral law to permit such a move.*
 - b. Introduce such a system of voting in any reforms to local government presented to Parliament.*
- 2. Write to Exeter’s two MPs to ask them to call for a change to electoral law to permit such a system and promote the matter for debate in Parliament.”*

In presenting her motion, Councillor D. Moore made the following points:-

- the motion was being presented in light of Government plans to introduce a Bill on further devolution and the re-organisation of local government which might

result in larger local authorities covering a wider area. It was therefore now crucial to explain that votes should match seats and that a fairer voting system would enable people to feel that every vote matters;

- electoral reform was not only in the interest of fairness but also in furthering a progressive agenda and for encouraging political participation;
- at least 80% of the 35 nations in the Organisation for Economic Co-operation and Development (OECD) had used some sort of Proportional Representation (PR), a percentage that was growing over time as countries become more democratic;
- countries with PR Elections had shown a higher turnout, had lower income inequalities, higher social expenditure and a fairer distribution of public goods. In addition, they took more effective action on climate change, possessed better long term decision making, a stronger gender and black and Asian minority ethnic representation in politics and showed an improved satisfaction with Governance and democratic institutions;
- the growing campaign for electoral reform in the Labour Party is welcome. PR has a strong backing, not only amongst Labour members, but also amongst Labour voters. Polling had shown that at least three quarters of labour voters wanted the party to commit to PR. 54 constituency labour parties had already passed motions backing PR;
- whilst in May 2019, Labour had won 9 out of 14 seats in the Council elections based on just a third of the city's vote, the parties and individuals within the progressive group, had received three seats based on slightly under a third of the city's vote which was not an accurate reflection of the way people in Exeter vote; and
- Members from all parties are urged to support reform of the electoral system for all votes to count and that Government be asked to introduce this fairer voting system as part of any measures to re-organise local government, demonstrating to the people of Exeter that the Council seeks a fair electoral system.

The Leader stated that his Group would not be supporting the Motion but confirmed that the issue was a matter of discussion and consultation within his party. As there would not be a General Election for four years, he did not see any merit in writing to the Government or Exeter's two MP's.

The Opposition Leader advised that his Group would not be supporting the Motion and that it was not part of his party's policy to support PR.

Councillor K. Mitchell, in seconding the Motion, made the following points:-

- he had long been an advocate of PR at all levels of Government, including local government as it was far fairer than the current system and would enable people to have an equal say and an equal vote across the whole country and not just in certain areas;
- PR would improve local links and, where there were systems in place, it would help develop greater diversity regarding individuals elected to councils and assemblies;
- the only way in which the system could be changed was to ensure that as many political parties as possible were on board and committed to change;
- the Make Votes Matter cross party campaign was seeking this reform through the Good Systems Agreement; and
- he hoped that the debate would continue and he was committed to working for a fairer system and a fairer country.

Councillor D. Moore in responding, stated that the alternative vote system had been put forward as an alternative to First Past The Post but was not a system of

proportional representation. Moreover, she suggested that a referendum was not the best way of considering the best voting system and suggested that a Citizens' Assembly would be the best means of establishing a deliberative process to inform reform of the electoral system.

Councillor D. Moore invited Members to work across party lines to campaign together on this issue. She congratulated Jacinda Ardern, the New Zealand Prime Minister, who had been elected under a proportional system.

The Notice of Motion was put to the vote and LOST.

57

CORPORATE PLAN AUTUMN UPDATE 2020

The Leader presented the update to the Council's 2018-21 Corporate Plan which set out the following five priorities:-

- Delivering Net Zero Exeter 2030;
- Promoting Active and Healthy Lifestyles;
- Building great neighbourhoods;
- Providing value for money services; and
- Leading a well-run Council.

The five priorities which, together with the recent structural changes within the Council, would ensure that Exeter, notwithstanding the severe financial challenges being faced by the Council, was in the best position to continue its economic recovery from the Covid-19 crisis, whilst ensuring that the commitment to the Council's climate change strategy remained at the top of the agenda.

A number of Members welcomed the Plan and made the following points:-

- the Council's commitment to its own house building programme through Exeter City Living was central to building great neighbourhoods which, together with building to Passivhaus standards and the retrofit programme, also contributed to the Net Zero Exeter 2030 goal;
- a Housing Needs Assessment Survey had recently been completed and was being assessed with a view to briefing Members on the results;
- the Council was bringing forward and supporting a variety of housing options in response to changing UK living trends particularly in respect of private sector rented accommodation. Supporting a variety of social housing provision as well as co-living and purpose built student accommodation was necessary to meet the demand, including from younger people;
- the first three bullet points above will be used as the basis for consulting with the wider community in bringing forward the Plan; and
- the Portfolio Holder for Net Zero Exeter 2030 reiterated that achieving carbon neutrality was front and centre to the Council's ambitions and a vital part of the Council's work going forward. She emphasised that Exeter was in the vanguard of this nationwide challenge, was working with a broad range of organisations and that it was one of the few Council's in the country to have set out a road map that was both deliverable and practical. The St. Sidwell's Point Swimming Pool and Leisure Centre, the first of its kind in the country being delivered to Passivhaus standard, was one example of the Council's commitment to Net Zero.

The Opposition Leader also welcomed the Plan and referred in particular to the aspirations around promoting active and healthy lifestyles.

The Leader, referencing two questions from a Member, confirmed that the outcomes of the Housing Needs Survey would be brought forward to inform the commitment to providing decent housing accommodation for all in the city and that Exeter City Living was central to this. Also, in response to the Member's question in respect of consultation with stakeholders and communities, he confirmed that all Members, in their role as representatives of the electorate, were committed to comprehensive engagement.

He commended the Plan to Members.

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

RESOLVED that:-

- (1) Council approves the Corporate Plan Autumn 2020 update; and
- (2) any necessary drafting amendments before publication be delegated to the Chief Executive & Growth Director, in consultation with the Leader of the Council.

58 **FURTHER POSTPONEMENT OF THE 2020 ANNUAL GENERAL MEETING**

In accordance with Part 2, Regulation 4 (2) of The Local Authorities and Police Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, the Leader moved and the Deputy Leader seconded the recommendations and it was:-

RESOLVED that:-

- (1) the Annual General Meeting originally scheduled for 19 May 2020, which had previously been postponed until at least December 2020, be now further delayed until May 2021, subject to the necessary Government guidance being received before that time, that it is appropriate to hold such a meeting; and
- (2) as a consequence of (1) above, all current appointments for Lord Mayor, Deputy Lord Mayor, Committee Chairs and Deputy Chairs, continue until the meeting identified in paragraph (1) above takes place.

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

In accordance with Standing Order No. 8, the following question was put by Councillor D. Moore to the Deputy Leader and Portfolio Holder for Net Zero Exeter 2030.

The University of Exeter Centre for Energy and Environment has calculated baseline terrestrial greenhouse gas emissions figures for the county's district and unitary authorities, including Exeter, on behalf of the Devon Climate Emergency Response Group, of which Exeter City Council is a founder member.

Does Exeter City Council accept these calculations as the baseline greenhouse gas emissions for the city and the basis for assessing the impact of proposed carbon reduction measures contained in the Net Zero Exeter 2030 plan?

The Deputy Leader and Portfolio Holder for Net Zero Exeter 2030 responded that the figures compiled by the Centre for Energy and the Environment at the University of Exeter calculate the organisational Greenhouse Gas footprint in metric tonnes of carbon dioxide equivalent.

They are for the City Council and they can therefore only be used as the baseline for assessing the impact of carbon reduction measures for the City Council and not the City as a whole. The net zero Exeter plan is a Citywide plan.

Councillor D. Moore put a supplementary question asking if the Portfolio Holder would meet with her to discuss the figures and how they would inform a carbon budget for the City Council to help reduce carbon emissions by 2030.

The Deputy Leader and Portfolio Holder for Net Zero Exeter 2030 confirmed that these plans were being made and would be conveyed as they develop.

In accordance with Standing Order No. 8, the following question was put by Councillor M. Mitchell to the Leader.

In the light of the public's interest and concerns regarding elements of the current government's proposals for reforms to the planning system will the Leader of the Council agree to publish on the Councils website, Exeter City Council's response to the public consultation which closes on the 29 October 2020.

The Leader responded that the Council will be releasing a media statement once Exeter City Council's response has been agreed with Councillor Emma Morse, the Portfolio Holder for City Development, and submitted to Government by 29 October at latest. The media statement will include a website link to the full City Council consultation response.

(The meeting commenced at 6.00 pm and closed at 8.49 pm)

Chair

EXTRAORDINARY MEETING OF THE COUNCIL
(HELD AS A VIRTUAL MEETING)

Tuesday 20 October 2020

Present:-

The Right Worshipful the Lord Mayor Councillor Peter Holland (Lord Mayor)
Councillor Mrs Yolonda Henson (Deputy Lord Mayor)
Councillors Atkinson, Begley, Bialyk, Branston, Buswell, Foale, Foggin, Ghusain, Hannaford,
Harvey, Henson, D, Lamb, Leadbetter, Martin, A, Mitchell, K, Mitchell, M, Moore, D,
Moore, J, Morse, Newby, Oliver, Owen, Packham, Pearson, Quance, Sheldon, Sills,
Sparkes, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright

9

APOLOGIES

An apology for absence was received from Councillor Lyons.

10

HONORARY FREEMAN

The Leader moved and Councillor Leadbetter seconded the recommendation that Richard Jacobs be awarded the honour of Freedom of the City in recognition of his services to Exeter as set out.

Freedom of the City – Richard Jacobs

RESOLVED that, in pursuance of its powers under Section 249 of the Local Government Act 1972, the Council do confer on Richard Jacobs Freedom of the City Status in recognition of his service to the City of Exeter as a local businessman and entrepreneur.

[Section 249 of the Local Government Act 1972 provides that the foregoing honour may be conferred by resolution of the Council passed by not less than two thirds of the Members voting thereon, at a meeting specially convened for the purpose.]

(The meeting commenced at 8.50 pm and closed at 8.55 pm)

Chair

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PLANNING COMMITTEE
(HELD AS A VIRTUAL MEETING)

Monday 12 October 2020

Present:-

Councillors Williams, Bialyk, Branston, Foale, Ghusain, Hannaford, Harvey, Mrs Henson, Mitchell, M, Morse, Sparkes, Sutton and Wright

Also Present

Director City Development, Housing & Supporting People, Principal Project Manager (Development) (MH), Principal Project Manager (DC), Democratic Services Officer (HB) and Democratic Services Officer (MD)

73

CHAIR

Councillor Ruth Williams, the Deputy Chair, chaired the meeting.

74

MINUTES

The minutes of the meetings held on 7 and 17 September 2020 were taken as read and approved as correct, for signing by the Chair at the earliest possible convenience.

75

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

76

PLANNING APPLICATION NO. 20/0321/FUL - LAND AT BROOM PARK NURSERIES AND FIVE ACRES, EXETER ROAD, TOPSHAM

The Principal Project Manager (Development) (MH) presented the application for the demolition of existing buildings and proposed residential development of 64 no. residential units, including affordable housing, plus open space, landscaping, car parking, cycle spaces, drainage, vehicular access, internal roads, provision of link road and all associated infrastructure and development.

The Principal Project Manager (Development) referred to the key issues of affordable housing, scale, design and impact on character and appearance, sustainable construction, economic benefits, flood risk, impact on local highways and parking, heritage assets, trees and biodiversity and CIL and Section 106 contributions. He highlighted:-

- the development was CIL liable and a Section 106 Agreement would be required to secure the affordable housing provision, open space including provision of equipped play area details, access and maintenance and a financial contribution towards enhanced GP facilities;
- the Education Authority had highlighted the additional demand for early years, primary and secondary places arising from the development;
- absence of a five year land supply;
- paragraph 11 of the National Planning Policy Framework (NPPF) setting out that permission should be granted for sustainable development unless specific

- policies in the NPPF indicate otherwise;
- proposal not considered to be of any significant harm to neighbouring residential amenity;
- highway related Section 106 contributions as set out in the formal consultation response; and
- the development was considered acceptable in terms of its design/amenity and transportation impacts, and sustainable in terms of its location.

The Principal Project Manager (Development) reported the receipt of two further letters of objection. One was from the Golf Club referring to the changing circumstances along the boundary in respect of an existing dwelling and bed and breakfast facility and stating that the reference to the siting of the golf driving range was not of relevance in relation to golf balls leaving. The other was the letter from the Topsham Society already circulated to Committee Members and which the Principal project Manager summarised.

He responded as follows to Members' queries:-

- notwithstanding the reference in correspondence from the Topsham Society to provide 100% affordable housing, if development was to be supported, Council policy was for 35% provision where possible;
- the two parcels of open space provision fronting Exeter Road would have appropriate boundary treatment to provide a greater impression of greenage along the frontage, complimenting that of the neighbouring development;
- 20 out of the 61 homes would be affordable and slightly under the policy complaint level in order to achieve the open space referred to above;
- staggered barriers would be provided within the cycleway/footway;
- two affordable flat units would be wheelchair accessible, that is 5%, although wheelchair accessible provision was not normally a requirement for non-affordable homes;
- further detail on the number of electric charging points would be obtained; and
- open market provision was predominantly three and four bed properties.

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

- speaking on behalf of the Topsham Society which has a remit to preserve the character of the town and improve its quality and that of the environment. The City Council consults the Society on developments in the town;
- the site is located in the Topsham Gap which is protected by Policy LS1 which seeks to protect the setting of the town and to prevent the coalescence of Topsham with Exeter;
- Exeter City Council Policy has always been to protect the Gap between Exeter and Topsham and Topsham has taken its fair share of housing;
- the Society had objected to other housing developments which has further impinged on the Gap and an Inspector, in allowing an appeal for one development, stated that that particular development should not set a precedent for the erosion of the Gap. This development ignores that statement and effectively eradicates the Gap;
- the access road leads through to the north of the site, even though there is no planning permission for the land to the north;
- the proposal is of poor design with a mechanical layout and lacking in creativity;
- Exeter Road has been characterised by a green corridor linking Countess Wear with Topsham and its loss is a further blight on the area;
- Topsham suffers from a chronic shortage of affordable housing. If more housing occurs in the Gap there should be a strong emphasis on affordable

housing; and

- it is likely that the 61 individual objections may also have been included in the 300 representations from Topsham Society

Will Gannon spoke against the application. He raised the following points:-

- the Planning Committee has, in the past, supported the Club as a valued sporting facility in the City and, in respect of the Seabrook Orchards development, which is adjacent to the 11th and 12th holes, imposed a condition on the consent which puts the onus on the developer to mitigate the effects of the housing development on the golf course;
- the Club requests that this same condition be applied and have offered the developer the opportunity to erect the safety netting recommended by the Club's architect on its land at Topsham, to avoid the developer losing any dwellings;
- the Topsham Golf Academy has operated for two years and, during that time, there has been close contact with neighbours, including the residents in the bungalows on the Broom Park Nurseries site with safety netting provided in two phases;
- this application will totally change the use of a largely non-residential site, containing a single bungalow, to a residential development for 61 dwellings which will have a huge effect on the safety implications for the Academy; and
- a deferral is suggested to encourage the applicant to engage in respect of the safety mitigation measures, or attach the condition previously imposed. An alternative would be to add a further clause to the Section 106 Agreement to provide safety mitigation measures on land owned by the Club

He responded as follows to Members' queries:-

- oppose the design of the development and the fact that it does not take into account health and safety issues regarding the relationship between the housing and the golf club and the need for appropriate safety measures. Do not object to the development in principle; and
- Heritage Homes have undertaken to incorporate safety netting on the golf club land but there has been no confirmation of this.

David Lovell spoke in support of the application. He raised the following points:-

- Heritage Homes are a local house-building company with a track record for delivering high quality and energy efficient sustainable homes providing employment in Exeter for in excess of 200 local tradesmen and women;
- aware of the sensitivities of this site to a limited number of people living in Topsham;
- the development completed by Heritage Homes opposite at The Chase provides highly sustainable Zero Carbon homes and won the UK National Development of the Year Award from the Local Authority Building Control. This application will also be built to high energy efficiency and sustainability standards, but with added sustainability credentials such as a stand for 10 Electric Co-Bikes at the entrance plus parking for two electric Co-Cars, the first part of a proposed strategic cycleway to connect Exeter Road with Newcourt Road and beyond to the Clyst Road development area, as well as cabling in each home for an electric car and battery storage fed from solar panels;
- there has been careful discussions with officers to improve the proposals and provide extra open space at the front of the site to link up with open space in adjoining developments;

- in order that other land to the north and along Newcourt Road does not become landlocked and can be brought forward in the future to provide more homes which would assist with the five year land supply, a section of land within this proposal has also been reserved for a future sustainable connection to Newcourt Road including a 3.5 metre. wide cycleway; and
- the proposal offers a substantial number of Affordable Social Rented Homes as well as Shared Equity Homes and a large cash contribution towards the provision of additional primary school places and local GP Services.

He responded as follows to Members' queries:-

- speaking as the property developer and applicant;
- majority of affordable homes are for social rent provided to housing associations who rent out to individuals on the Council's housing list with a limited number of shared equity homes enabling young first time buyers to get on the housing ladder and can buy at 80% of the market price;
- the escape of anything from one land to another is the responsibility of the landowner from where the particular item originates; and
- the phasing plan shows the proposed netting on the golf club land on the boundary with Phase 4, the last part to be developed on this site and which is adjacent to the driving range. Golf balls are already escaping onto the land of residents and will not be a new problem created by this development. The line of fence has been agreed with the club when the development reaches Phase 4 but was not necessary for the first three phases. Heritage Homes are prepared to erect the nets with the matter of payment subject to further discussion.

Members expressed the following views:-

- note concerns of the Topsham Society but acknowledge that it is difficult to oppose on grounds of the Topsham Gap issue following a number of appeal decisions and to make the same arguments;
- the education provision should be timetabled to dovetail with the housing development as it proceeds;
- welcome provision of local facilities including the contribution to a GP surgery; and
- there is a health and safety requirement to ensure that the necessary fencing is provided to the requisite standard as has been discussed by the applicant and the golf club in order to prevent damage to neighbouring houses and occupants with such a conclusion to be reached in consultation with the planning officers, subject to prior consultation with the Chair.

The Principal Project Manager (Development) stated that:-

- contributions towards local facilities included the GP's but not a dentist or a veterinary surgery;
- the application differed from the previous RNSD and Seabrook developments in the area, the land use for which were naval stores depot and agricultural land respectively, whereas Broom Park related to land already in residential occupation because of its occupation by a residential development and a bed and breakfast facility;
- the planning authority was prepared to discuss further with the applicant the issue of safety netting and that an additional condition in this respect would need to meet the relevant tests for the imposition of conditions on planning permissions.

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

Councillor Bialyk moved and Councillor Sparkes seconded an amendment to add a further condition to secure, on health and safety grounds, the provision of suitable netting on golf driving range land on the boundary of the housing development which was voted on and carried.

The recommendation, as amended, was moved and seconded and carried.

RESOLVED that:-

(1) subject to:-

(a) the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure:-

- affordable housing;
- open space provision including equipped children's play area, maintenance and public access in perpetuity;
- education contributions – Early Years £14,500, Primary £281,546 and Secondary £206,407;
- contribution of £26,838 towards enhanced GP facilities/provision in the locality;
- £500 per dwelling towards sustainable travel measures (Travel Planning);
- up to £10,000 Traffic Regulation Order contributions relating to the proposed raised tables, car club and electric cycle parking spaces; and
- all Section 106 contributions should be index linked from the date of resolution; and

(b) an additional condition to secure, on health and safety grounds, the provision of suitable netting on the golf driving range land on the boundary of the housing development, the Assistant Service Lead City Development being authorised to negotiate with both the applicant and the Golf Club to secure such provision, subject to prior consultation with the Chair of the Committee.

the Assistant Service Lead City Development be authorised to **APPROVE** planning permission for the demolition of existing buildings and proposed residential development of 64 no. residential units, including affordable housing, plus open space, landscaping, car parking, cycle spaces, drainage, vehicular access, internal roads, provision of link road and all associated infrastructure and development, 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 4th March, 27th, 28th and 29th July, and 15th September 2020 (including dwg. nos. 1415/P100 Rev G, BRM-010-Landscape Rev 5.2, BRM-010-Phasing Rev 5.2, 1415/P103 Rev C, 1415/P104 Rev D, 1415/P105 Rev D, 1415/P120 Rev C, 1415/P121 Rev C, SK008, 1415/Dn-3 Rev C, 1415/Dn-4 Rev C, 1415/T-1 Rev A, 1415/Ap-1 Rev C, 1415/Bm-1 Rev B, 1415/Ap-2 Rev C, 1415/But-3 Rev A, 1415/T-2 Rev A, 1415/But-4 Rev A, 1415/Bm-2 Rev B, 1415/Gr-1 Rev C, 1415/Gr-2 Rev B, 1415/FI-1 Rev A, 1415/Gr-3 Rev B, 1415/FI-2 Rev A, 1415/Hr-1 Rev A, 1415/Hc-2 Rev B, 1415/Hr-2 Rev A, 1415/Hc-1 Rev B, 1415/Kn-1 Rev C, 1415/Slt-1 Rev A, 1415/Pt-1 Rev C, 1415/Pt-2 Rev C, 1415/Slt-2 Rev A, 1415/Kn-2 Rev C, 1415/T5, and 1415/T6) as modified by other conditions of this consent.

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

- 3) **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 buildings 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 for pre-commencement condition:** 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.
- 4) **Pre-commencement condition:** - No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- (a) A detailed drainage design based upon the Flood Risk Assessment and Drainage Strategy (Ref.19030; Rev. A; dated 23rd July 2020).
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (d) A plan indicating how exceedance flows will be safely managed at the site.
 - (e) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.
 - (f) Evidence there is agreement in principle from SWW/landowner/DCC Highways to connect into their system
 - (g) An assessment of the potential impacts of groundwater on the surface water drainage system, such as 'floatation'. The assessment should also include the construction of the features.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.
- Reason for pre-commencement condition:** The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017)

and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

- 5) **Pre-commencement condition:** A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of noise and dust. 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.
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.
- 6) **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 building operations are carried out in a sustainable manner.
- 7) **Pre-commencement condition:** 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 for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

- 8) **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 for Pre-commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.
- 9) **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BMEP will be expected to include the provision of integral bat/bird bricks within the dwellings equivalent to a ratio of one/dwelling in line with the advice contained with the Council's adopted Residential Design SPD. The development shall thereafter be implemented and maintained in accordance with the approved Plan and programme of implementation.
Reason for pre-commencement condition - In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 10) **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.
- 11) **Pre-commencement condition:** - Prior to the commencement of the development hereby approved a construction programme detailing the order in which the phases identified on drawing no. BRM-010-Phasing Rev 5.2 will be constructed shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed construction programme.
Reason for Pre-commencement condition:- To ensure that the implementation of the development, and hence relevant triggers referred to in the conditions attached to this consent and clearly understood and agreed.
- 12) Prior to the first occupation of any dwelling hereby approved the relevant mitigation requirements outlined in Acoustic Associates SW Ltd's Environmental Noise Impact Assessment (project ref: 7363, date: 24/07/2020) shall be met and implemented in full, and be maintained thereafter at all times unless otherwise agreed in writing by the Local

Planning Authority.

Reason - To ensure that an acceptable residential environment is created for future occupants of the properties.

- 13) Prior to commencement of construction of any part of the link road beyond plot 61 up to the northern boundary, as hatched in yellow on drawing no. BRM-010-Landscape Rev 5.2, details shall be submitted to the Local Planning Authority of its geometry and construction, together with details (including a timeframe for delivery) of a pedestrian/cycle connection from this road up to the boundary of the applicant's land ownership with the adjoining land to the east of the application site at a point to be agreed in writing as part of those details. Construction of this link road shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Highway Authority, and thereafter this section of road, and the pedestrian/cycle connection, shall be completed in accordance with the approved details.
Reason: To provide a safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.
- 14) Prior to the first occupation of any individual dwelling identified on drawing no. 1415/P104 Rev D as being provided with cycle storage provision within the rear garden of that property, the said cycle storage provision 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.
Reason - To ensure that adequate provision for the storage of cycles is provided to serve these dwellings.
- 15) A 3m footway/cycleway link (together with staggered barriers) adjacent to Plot 54 to Exeter Road shall be delivered as part of Phase 1 or such other trigger point as shall be agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority as indicated on Drawing Number BRM-010-LANDSCAPE Rev 5.2
Reason: To provide a safe and suitable access in accordance with pns 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 16) A footway link to the east of plot 42 shall be delivered up to the boundary of the applicant's land ownership as part of Phase 4 or such other trigger point as shall be agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority as indicated on Drawing Number BRM-010 LANDSCAPE Rev 5.2
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 17) Prior to the first occupation of the 15th dwelling comprising part of the development hereby approved a 2m wide footway adjacent to Exeter Road, associated crossing point and relocated bus shelter as indicated on Drawing number BRM-010-LANDSCAPE Rev 5.2 shall be provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9.
- 18) Prior to the first occupation of any dwelling hereby approved within Phase 2

or 3 as identified on drawing no. BRM-010-Phasing Rev 5.2 the space for a 10 bike Co bike docking station and Parking bay for a Car Club vehicle within the respective phase (together with electricity supply to each element) shall be provided and made available for use as indicated on Drawing number BRM-010-LANDSCAPE Rev 5.2 in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To provide adequate facilities for sustainable transport and ECC Core Strategy CP9.

- 19) Prior to the first occupation of the 15th dwelling comprising part of the development hereby approved, the three raised tables on Exeter Road (together with crossing points) as indicated on Drawing Number 205368-A-02 Rev C shall be provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority.

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

- 20) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 21) 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.

- 22) 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.

- 23) 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.

- 24) 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.

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 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 fund 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) 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.
 - 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 (i.e. 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.
 - 4) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- (2) the Assistant Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 12 April 2021 or such extended time as agreed by the Service Lead City Development

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:

- Affordable housing
- Open space provision – play equipment, maintenance arrangements and public access in perpetuity
- Education contributions
- GP facilities contribution
- Sustainable Travel Planning contribution
- Traffic Regulation Order contributions

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 3, 5, 6 and 10, policies CP7, CP9, CP10, and CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1, T3 and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

77

PLANNING APPLICATION NO. 19/1465/OUT - LAND ADJOINING EXETER ROAD, TOPSHAM, EXETER

The Principal Project Manager (Development) (MH) presented the application for Outline planning application for the construction of up to 24 dwellings (Use Class C3) - Means of access to be determined only (All other matters reserved).

The Principal Project Manager (Development) referred to the key issues of design, layout and amenity standards, affordable housing, sustainable drainage and ecology construction, heritage, economic benefits, CIL/Section 106 contributions, transportation matters, access and impact on local highways. He highlighted the following:-

- absence of a five year land supply;
- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise;
- the location is considered to be sustainable and the proposal is acceptable in its design and general visual impact;
- the proposal is not considered to be of any significant harm to neighbouring residential amenity;
- there are no material considerations which it is considered would warrant refusal of this application; and
- the letter from the Topsham Society in respect of the Broom Park application (Min. No. 75 above refers) also referenced this Topsham Road application.

Will Gannon in his presentation to the Broom Park application (Min. No. 75 above) had stated that there was no reference in the report to the Club's objection and to its request for a condition putting the onus on the developer to mitigate the effects of the housing development on the golf course. The Principal Project Manager (Development) advised that the comments from the Golf Club were listed in the representations received relating to the proximity to the golf driving range and potential implications to residents.

The Principal Project Manager (Development) responded as follows to Members'

queries:-

- notwithstanding an earlier suggestion that the developer might not contribute to both education requirements and its affordable housing offer, the Section 106 Agreement would cover policy requirement provision of affordable housing of 35% and the required 70/30 split between social rent and other forms of intermediate social housing as well as the education contribution;
- the recommendations therefore included the option to refuse permission if affordable housing and education was not provided; and
- wheelchair provision would be secured within the standard conditions of the Section 106 Agreement.

Members expressed the following views:-

- educational requirements should not be at the expense of affordable housing which is the requirement of this Council; and
- difficult to oppose on grounds of the Topsham Gap issue following a number of appeal decisions and to make the same arguments. The application offers affordable housing, education provision and a contribution to a GP surgery and is an acceptable proposal.

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

The recommendation was moved and seconded and carried.

RESOLVED that:-

- subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure:-
- affordable housing;
- open space provision, maintenance and public access in perpetuity;
- education contributions of Early Years £6,000, Primary £96,114 and Secondary £87,339; and
- all Section 106 contributions to be index linked from the date of resolution.

the Assistant Service Lead City Development be authorised to **APPROVE** outline planning application for the construction of up to 24 dwellings (Use Class C3) - Means of access to be determined only (All other matters reserved), 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) **Pre-commencement condition:** 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 for pre-commencement condition: 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 the proposed access scheme shown on drawing no. 19.489/002 Rev F. No part of the development shall be occupied until the proposed raised table access crossing points on the shared use path between Newcourt Road and Exeter Road shown therein have been provided in accordance with further details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the means of access to the site are acceptable.

- 4) **Pre-commencement condition:** 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 for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

- 5) **Pre-commencement condition:** A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling, and emissions of noise and dust. 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. No construction/demolition work shall take place outside the following times: 8am to 6pm (Mondays to Fridays) 8am to 1 pm (Saturdays) nor at any time on Sundays, Bank or Public Holidays.

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.

- 6) **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP)

which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BEMP will be expected to incorporate the measures set out in Section 4 of the submitted Ecological Impact Assessment dated October 2019 prepared by EAD Ecology. The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.

Reason for Pre-commencement condition: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

- 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 buildings 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 for pre-commencement condition:** 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.
- Reason for Pre-commencement condition:** In the interests of the residential amenities of the potential occupants of the properties.
- 9) **Pre-commencement condition -** Prior to the commencement of the development a scheme for the mitigation/reduction of emissions to air from vehicular traffic generated by the proposed housing, based on an assessment of the quantum of those emissions, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed mitigation measures and timescale.
- Reason for Pre-commencement condition:** To ensure that the impact of vehicle emissions associated with the development is reduced in the interests of air quality.
- 10) **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.

- 11) **Pre-commencement condition:** The development hereby permitted shall not commence until a Standard Assessment Procedure (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 has been submitted to and approved by the local planning authority. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of completion of any dwelling a report from a suitably qualified consultant to demonstrate compliance with this condition will be submitted to and approved in writing by the local planning authority.
Reason for Pre-commencement condition: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.
- 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 building operations are carried out in a sustainable manner.
- 13) **Pre-commencement condition:** Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:
(a) Soakaway test results in the area proposed for permeable paving in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
(b) A detailed drainage design based upon the approved Surface Water Drainage Strategy Drawing Number 19.489/050 Rev C and the results of the information submitted in relation to (a) above
(c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
(e) A plan indicating how exceedance flows will be safely managed at the site.
(f) Evidence there is agreement in principle from the South West Water.
No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.
Reason for pre-commencement condition: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign/unnecessary delays during construction when site layout is fixed.

- 14) Any reserved matters application submitted pursuant to the outline consent hereby approved shall incorporate within the layout a pedestrian/cycle path to the boundary of the adjoining land to both the west and east of the application site at points to be agreed by the Local Planning Authority in consultation with the Local Highway Authority as part of the consideration of the reserved matters application. The said pedestrian/cycle connection points shall thereafter be constructed up to the boundary of the applicant's land ownership prior to the first occupation of any dwelling contained within the development in respect of the connection to the east, and prior to the 5th occupation in respect of the connection to the west, or such other trigger point as shall be agreed in writing by the Local Planning Authority.
Reason: To ensure that the opportunity to provide a pedestrian and cycle connection between the site and adjoining land is secured in the interests of permeability and facilitation of the use of sustainable modes of transport in accordance with policy CP9 of the Council's Adopted Core Strategy.
- 15) 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.
- 16) 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.
- 17) 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.
- 18) The dwellings hereby approved shall be designed and built to meet M4 2 of the Building Regulations Access to and Use of Building Approved Document M, 2015 edition.
Reason: To increase choice, independence and longevity of tenure in accordance with Policy CP5 point three of the Exeter Core Strategy.
- 19) Prior to the first occupation or use of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.

- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery. All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, Policies LS4 and DG1 of the Local Plan First Review and paragraphs 58, 109 and 118 of the NPPF.

- 20) No part of the development shall be occupied until a travel plan (including recommendations/arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority

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.

Informatives

- 1) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 2) 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 (i.e. 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.
- 3) 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.
- 4) 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 fund 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).

- 5) 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.
 - 6) Your attention is drawn to the consultation response of South West Water in terms of protection of their assets and the presence of a public sewer within the site.
 - 7) Drawing no. 9408-PL03C dated 14.10.2019 entitled 'Indicative Site Layout' is not hereby approved and has been treated as a feasibility plan only and therefore it should not be assumed that the layout depicted on this drawing would be considered acceptable at reserved matters stage without further negotiation.
- the Assistant Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 12 April 2021 or such extended time as agreed by the Service Lead City Development

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:

- Affordable Housing
 - Open space provision, maintenance and public access in perpetuity
 - Education contributions
- The proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 3, 6 and 10, policies CP7, CP10, and CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

The Principal Project Manager (Development) (DC) presented the application for the construction of 44 dwellings; car parking including garages; landscaping; internal access roads and associated infrastructure and engineering works.

The Principal Project Manager (Development) set out a detailed description of the site area, the development plan status of the site and surrounding land and planning context of the site in relation to surrounding sites. The Principal Project Manager (Development) set out the proposal and referred to the key issues of affordable housing, scale, design and open space, impact on character and appearance, sustainable construction, economic benefits, Section 106 heads of terms, contribution towards education, flood risk and impact on local highways and parking, heritage assets and trees and biodiversity and highlighted:-

- the site is allocated for residential development in the Core Strategy;
- the application site is in a sustainable location for residential development;
- a positive contribution to the Council's five year housing land supply with a provision of 35% affordable housing (15 on-site affordable dwellings);
- good permeability for pedestrians and cyclists, with a link through the site to Hollow Lane, enhancing walking and cycling opportunities and reducing potential conflict with vehicular traffic;
- £65,000 contribution for off-site access/recreation improvements;
- contribution to enhance GP facilities in the locality
- a passing place proposed on Hollow Lane beneficial for a Strategic Cycle Route;
- the proposal is acceptable in its layout, design and general visual impact; and
- the proposal will provide a good level of amenity for future occupiers and will not result in any significant harm to neighbouring residential amenity.

The Principal Project Manager advised that Devon County Council had withdrawn their request for contributions towards primary education and Early Years provision because of the opening of Monkerton Primary School. She referred to an additional letter of representation expressing concern about the proposed size of a passing place on Hollow Lane and whether or not it would be large enough to prevent conflict between motor vehicles, pedestrians and cyclists. The Local Highway Authority was satisfied with the details.

It was noted that to the south east was land owned by Exeter City Council - the Ridgeline Park land - and that a financial contribution had been requested to improve the access and recreational value of this land. Measures would include creating east west pedestrian access points from Hollow Lane through the hedgerow and creating disability access and a path network. The contribution would also fund green gym items and habitat enhancement.

William Dale spoke in support of the application. He raised the following points:-

- the application is for 44 homes, 35% of which are affordable. Taylor Wimpey wish to deliver high quality residential development, as seen at Mayfield Gardens;
- application is in accordance with the Monkerton and Hill Barton Masterplan Area which designates the site for residential development. The scheme has been designed to provide continuity with the wider consented schemes, whilst creating a landscape led development which responds to the site's location along the Monkerton Ridge;
- the development demonstrates a positive relationship with the surrounding landscape and existing settlement. This includes providing vehicular access from Mayfield Gardens, off the Cumberland Way roundabout and providing a

pedestrian and cycle connection route through the scheme to Hollow Lane, to the south of the site.

- Hollow Lane connects to the newly constructed strategic cycling highway and the E4 cycle route;
- a vehicular passing place has been located along Hollow Lane which provides a more suitable road layout and passing place;
- the application site is in a sustainable location for residential development;
- the development would make a positive contribution to the Council's five year housing land supply;
- the proposal is compliant with the Council's affordable housing policy requirements;
- the proposal provides acceptable layout, design and general visual impact with a good level of amenity for future occupiers; and
- the site is wholly deliverable, achievable and suitable for the development of 44 homes as proposed.

He responded as follows to Members' queries:-

- the scheme provides 44 homes, and the social housing provision comprises four, one bed flats, eight, two bed dwellings, one, three bed dwelling and two, four bed dwellings providing 35% affordable homes in line with planning policy;
- these dwellings will be divided into 11 socially rented homes and 4 intermediate rented homes. One of the affordable homes will also be wheelchair accessible.

The Principal Project Manager (Development) responded as follows to Members' queries:-

- the suggestion of a western entrance to the school as suggested by the Exeter Cycling Campaign had been discussed with the County Council but it was considered that an additional access might give rise to safeguarding issues and that there was already good permeability through the site as provided by the north to south pedestrian/cycle link;
- the pedestrian/cycle link was three metres in width and could therefore accommodate wheelchair access;
- the layby to be provided as part of a Section 278 agreement under the Highways Act 1980 would achieve a suitable vehicular passing place and road layout along Hollow Lane. The applicant was willing to provide this in response to a request from Ellen Tinkham School and Devon County Highways;
- the Section 106 Agreement was specific to the needs of the site and included the necessary traffic orders;
- the landscaped area to the east of the application site, between the application site and Cumberland Way, was outside the red line of the application site. Recommended condition nine required tree and hedge provision prior to development commencing;
- the Highway Authority considered the layout and design of the internal road network suitable for heavy vehicles including refuse vehicles; and
- the Section 106 Agreement included the requirement to link to the District Heating system with condition six dealing with energy and CO2 emissions, this required a reduction in carbon dioxide emissions required to meet 2013 Building Regulations.

Members expressed the following views:-

- concern regarding access arrangements to the school and the suitability of the

- proposed re-design of Hollow Lane; and
- scheme is acceptable with 35% affordable housing and a good mix of dwellings overall in accordance with the Monkerton Master Plan, with a desired education contribution and no concerns raised by the highway authority

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

The recommendation was moved and seconded and carried.

RESOLVED that:-

- (1) subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure:-

Affordable housing

15.4 dwellings to be provided as affordable housing, 11 social rent and 4 intermediate rent. A financial contribution will be made towards the remaining 0.4 affordable dwelling. One of the affordable dwellings to be wheelchair accessible. 50% of the affordable home units to be constructed and made available for occupation prior to the occupation of 50% of Open Market units. Remaining 50% of AH units to be constructed and made available for occupation prior to occupation of 80% of Open Market units. 5% of the affordable dwellings (1 dwelling) to be wheelchair accessible

Public open space

Provisions to transfer the public open spaces to a management company with an agreed specification for the laying out and maintenance of these areas to mitigate and enhance biodiversity (i.e. LEMP).

Highways infrastructure

Financial contributions required as follows:

Traffic Regulation Order - £3000.00 (to be paid at Devon County Council's request)

Travel Plan - £500 per dwelling to be paid to Devon County Council

Off site Access/Recreation Improvements

£65,000 contribution for off-site access/recreation improvements.

50% of the contribution to be paid prior to open market houses being occupied and remainder to be paid prior to 80% of units occupied.

District Heating Network

Connection of the dwellings to the Eon district heating system in the area.

Education Contributions

Secondary - £123,245

Education infrastructure contributions are based on March 2015 prices and any indexation applied to contributions requested are to be applied from this date.

GP Facilities/Provision

£17,682 (£402 per dwelling) towards enhanced GP facilities/provision in the locality.

all Section 106 contributions to be index linked from the date of resolution.

the Assistant Service Lead City Development be authorised to **APPROVE**

planning application for the construction of 44 dwellings; car parking including garages; landscaping; internal access roads and associated infrastructure and engineering works; subject also to the following conditions:

1. Standard Time Limit – Full Planning Permission

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 comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans and Documents

The development hereby permitted shall be carried out in complete accordance with the approved plans and documents listed below, unless modified by the other conditions of this consent:

- Site Location Plan (Dwg. No. 18003-BAK-L01.01 Rev P4)
- Elevational Treatment Plan (Dwg. No. 18003-BAK-L01.10 Rev P2)
- Proposed Site Plan (Dwg. No. 18003-BAK-L02.01 Rev P11)
- Illustrative Site Layout (Dwg. No. 18003-BAK- L02.02 Rev P7)
- Typical Street Elevations (Dwg. No. 18003-BAK-L04.01 Rev F)
- Illustrative Adoption Plan (Dwg. No. 18003-BAK-L05.01 Rev P7)
- Boundary Treatment Plan (Dwg. No. 18003-BAK-L92.01 Rev P7)
- Landscape and Boundary Details (Dwg. No. 18003-BAK-L92.02 Rev P3)
- Hardworks Plan (Dwg. No. 18003-BAK-L93.01 Rev P8)
- Softworks Plan (Dwg. No. 18003-BAK-L94.01 Rev P8)
- Single Garage Plans & Elevations (Dwg. No. 18003 G01-02.00 Rev P4)
- Attached Single Garages Plans & Elevations (Dwg. No. 18003 G02-02.00 Rev P4)
- H01 A – 2 Bed – (NA20) Floor Plans & Typical Section A-A (Dwg. No. 18003 H01 A-02.00 Rev P4)
- H01 A – 2 Bed – (NA20) Elevations (Dwg. No. 18003 H01 A-04.00 Rev P3)
- H02 A – 3 Bed – (NA30) Plans & Typical Section A-A (Dwg. No. 18003 H02 A-02.00 Rev P5)
- H02 A – 3 Bed – (NA30) Elevations (Dwg. No. 18003 H02 A-04.00 Rev P4)
- H04 A – 3 Bed – (NT31) Floor Plans & Typical Section A-A (Dwg. No. 18003 H04 A-02.00 Rev P4)
- H04 A – 3 Bed – (NT31) Elevations 01 (Dwg. No. 18003 H04 A-04.00 Rev P3)
- H06 A – 4 Bed – (NA42) Floor Plans & Typical Section A-A (Dwg. No. 18003 H06 A-02.00 Rev P4)
- H06 A – 4 Bed – (NA42) Elevations (Dwg. No. 18003 H06 A-04.00 Rev P3)
- H07 A – 4 Bed – (NA45) Floor Plans & Typical Section A-A (Dwg. No. 18003 H07 A-02.00 Rev P4)
- H07 A – 4 Bed – (NA45) Elevations (Dwg. No. 18003 H07 A-04.00 Rev P3)
- H08 A – 4 Bed – (NT41) Floor Plans & Typical Section A-A (Dwg. No. 18003 H08 A-02.00 Rev P4)
- H08 A – 4 Bed – (NT41) Elevations (Dwg. No. 18003 H08 A-04.00 Rev

P3)

- H10 A – 4 Bed – (NT42) Floor Plans & Typical Section A-A (Dwg. No. 18003 H10 A-02.00 Rev P4)
- H10 A – 4 Bed – (NT42) Elevations (Dwg. No. 18003 H10 A-04.00 Rev P3)
- H13 A – 1 Bed Flats Floor Plans & Typical Section A-A (Dwg. No. 18003 H13 A-02.00 Rev P5)
- H13 A – 1 Bed Flats Elevations (Dwg. No. 18003 H13 A-04.00 Rev P4)
- Proposed Levels (Dwg. No. 41196/2018/141 Rev E)
- Refuse Vehicle Tracking (Dwg. No. 41196/2018/111 Rev F)
- General Arrangement (Dwg. No. 41196/2018/101 Rev F)
- Drawing showing visibility splay for pedestrian/cycle path access to Hollow Lane and passing place on Hollow Lane (41196/2018/SK02)
- Surface and Foul Water Drainage (41196/2014/500 Rev I)
- Waste Audit Statement (Taylor Wimpey, October 2018).
- Arboricultural Impact Assessment (Michael J Steed Natural Resource Consultant 20th September 2018)
- Flood Risk Assessment REV G (Peter Brett Associates, 17 April 2020)
- Ecological Impact Assessment (CSA Environmental, CSA/3592/02, August 2018)

Reason: To ensure the development is constructed in accordance with the approved plans and documents.

Pre-commencement Details

3. Surface Water Drainage Management System

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority:

(a) A detailed drainage design based upon the approved Baker Land, Monkerton, Flood Risk Assessment, Project Ref: 41196/4002 Rev G Date April 2020 which should include evidence that the downstream Monkerton network and basins have capacity to accept flows from this development, long term storage and calculations reflecting the runoff rate based on the impermeable area only.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG and Policy CP12 of the Core Strategy, Policy EN4 of the Exeter Local Plan First Review. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

4. Contamination

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.

5. Construction Method Statement

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 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 and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to minimise noise nuisance to neighbours from plant and machinery.
- j) 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.
- k) No driven piling without prior consent from the Local Planning Authority.

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

Reason: To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

6. Energy & CO2 Emissions

Prior to the construction of the dwellings hereby permitted, including construction of the foundations of the dwellings but excluding other site works, the developer shall submit a SAP calculation for the dwellings which demonstrates that a 19% reduction in carbon dioxide emissions from that required to meet the 2013 Building Regulations can be achieved. The measures necessary to achieve this carbon dioxide saving shall thereafter

be implemented on site and within 3 months of practical completion of any dwelling the developer shall submit a report to the Local Planning Authority by a suitably qualified consultant to demonstrate compliance with this condition.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. These details are required pre-commencement as specified to ensure that a sustainable design is finalised before any irreversible element of the construction process takes place.

7. Ecological Surveys

Prior to the commencement of development, an Extended Phase 1 Habitat Survey shall be carried out and the results of the survey shall be submitted to and approved in writing by the Local Planning Authority, unless the Ecological Impact Assessment (CSA Environmental, CSA/3592/02, August 2018) was dated in the preceding three years. The recommendations of the Extended Phase 1 Habitat Survey shall be implemented in full, including any recommended further survey work in which case no development shall take place until the further survey work has been carried out and the results have been submitted to and approved in writing by the Local Planning Authority. The recommendations of the further surveys shall be implemented in full.

Reason: To ensure that the implications of the development on biodiversity are fully understood based on up-to-date survey and any measures necessary to mitigate the impact of the development on protected species are identified and carried out at the appropriate time in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 175 of the NPPF. Natural England's Standing Advice states that Local Planning Authorities can ask for extra surveys to be done as a condition of planning permission for outline or multi-phased developments to make sure protected species aren't affected at each stage. These details are required pre-commencement as specified to ensure that protected species are not killed or otherwise harmed by building operations.

8. Biodiversity Mitigation Enhancement Plan

Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development has been designed to enhance the biodiversity value of the site and how it will be managed in perpetuity to enhance biodiversity, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BMEP shall take into account the mitigation and enhancement assessment of the submitted Ecological Impact Assessment (CSA Environmental, CSA/3592/02, August 2018) and the results of survey required by planning condition 7.

Thereafter, the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

Reason for pre-commencement condition: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

Pre-specific Works

9. Tree & Hedge Protection

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 the details specified in the Arboricultural Impact Assessment Report prepared by Michael J Steed ref 00140 and accompanying Tree Protection Plan (Rev 3). 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 for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

10. Bird Breeding Season

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If breeding birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that breeding is complete.

Reason: To protect breeding birds in accordance with Policy LS4 of the Exeter Local Plan First Review, and paragraphs 174 and 175 of the NPPF. These details are required pre-commencement as specified to ensure that breeding birds are not harmed by building operations or vegetation removal.

11. Materials

Prior to the construction of the external walls of any dwelling hereby permitted, samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of all dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall be constructed in accordance with the approved materials.

Reason: In the interests of good design and the character of the area, in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF.

12. Nesting and Roosting Boxes

Prior to the construction of the external walls of any dwelling hereby permitted, details of the provision for nesting birds and roosting bats in the built fabric of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with the Residential Design Guide SPD (Appendix 2) and paragraph 175 of the

NPPF.

13. External Lighting

No external lighting shall be installed on the site unless details of the lighting have previously been 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 protect the amenities of the area and wildlife.

Pre-occupation

14. District Heating Network

The buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the local decentralised energy district heating network. Prior to occupation of the development, the necessary on site infrastructure (including pipework, plant and machinery) for connection of those systems to the network in a manner agreed in writing by the LPA shall be put in place.

Reason: To ensure that the proposal complies with Policy CP13 of the Council's Adopted Core Strategy and paragraph 153 of the NPPF, and in the interests of delivering sustainable development.

15. Shared Use Pedestrian/Cycle Path

Prior to the occupation of the forty four dwellings hereby permitted, the shared use pedestrian/cycle path connecting the site to Hollow Lane shall be constructed in accordance with plans previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To maximise the use of sustainable modes of transport in accordance with saved Policy T3 of the Exeter Local Plan First Review and paragraph 108 of the NPPF (February 2019).

16. Cycle Parking

Prior to the occupation of any dwelling hereby permitted, cycle parking facilities for the dwelling shall be provided in accordance with plans previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. Thereafter the said cycle storage provision shall be retained for that purpose at all times.

Reason: To promote cycling as a sustainable mode of travel and to accord with the Sustainable Transport SPD.

17. Bin Stores

Prior to the occupation of any dwelling hereby permitted, bin storage for the dwelling shall be provided in accordance with plans previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that bin storage is provided for the dwellings in the

interests of good design and residential amenity.

18. Detailed Landscaping Scheme

Prior to the occupation of any dwelling hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments and signage. The plan shall specify tree/plant species and methods of planting, including tree pit details. The hard landscaping shall be constructed as approved prior to the occupation of the dwellings. The soft landscaping shall be planted in the first planting season following the occupation of the dwellings or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of good design in accordance with saved Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF (February 2019).

19. Vehicular Access

Prior to occupation of any of the dwellings, details of the vehicular access point shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. No dwelling shall be occupied until the vehicular access point has been provided, surfaced and marked out in accordance with the approved plans.

Reason: To provide a safe and suitable access for pedestrians and cyclists in accordance with Paragraph 108 of the NPPF.

20. Layby

Prior to occupation of any of the dwellings, details of the vehicular passing place on Hollow Lane shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. No dwelling shall be occupied until the vehicular passing place has been provided, surfaced and marked out in accordance with the approved plans and the passing place shall be retained for that purpose at all times.

Reason: To provide a safe and suitable access for pedestrians and cyclists on Hollow Lane in accordance with Paragraph 108 of the NPPF

21. Vehicular turning heads

Prior to occupation of any dwelling hereby permitted, details of the vehicular turning heads shown on *Drawing Number 18003-BAK-L02.01 Rev P11*, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. No dwelling shall be occupied until the vehicular turning heads have been provided in accordance with the approved details. These facilities shall be retained for that purpose at all times.

Reason: To provide safe and suitable facilities for the traffic attracted to the site.

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 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, which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund 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) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. 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.
 - 3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
 - 4) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
- (2) the Assistant Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 12 April 2021 or such extended time as agreed by the Service Lead City Development.

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters

-
- Affordable housing
- Provisions to transfer the public open spaces to a management company
- Traffic Regulation Order contributions
- Sustainable Travel Planning contributions
- Off-site access/recreation improvements
- Connection to District Heating Network
- Education contributions
- GP facilities contributions

The proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 3, 5, 6 and 10, policies CP7, CP9, CP10, and CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1, T3 and DG5, Exeter City

Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Public Open Space Supplementary Planning Document 2005, Exeter City Council Planning Obligations Supplementary Planning Document.

79

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director City Development, Housing and Supporting People was submitted.

RESOLVED that the report be noted.

80

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(The meeting commenced at 5.30 pm and closed at 7.50 pm)

Chair

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PLANNING COMMITTEE **(HELD AS A VIRTUAL MEETING)**

Monday 26 October 2020

Present:-

Councillor Morse (Chair)

Councillors Williams, Bialyk, Branston, Foale, Ghusain, Hannaford, Harvey, Mrs Henson, Mitchell, M, Sparkes, Sutton and Wright

Also Present

Chief Executive & Growth Director, Director City Development, Housing & Supporting People, Principal Project Manager (Development) (MD), Principal Project Manager (Heritage), City Development Consultant, Legal Advisor, Democratic Services Officer (HB) and Democratic Services Officer (SLS)

80

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

81

PLANNING APPLICATION NO. 19/1556/FUL - THE HARLEQUIN CENTRE, PAUL STREET, EXETER

The Principal Project Manager (Development) (MD) presented the application for the development of a Co-Living (Sui Generis) accommodation block and a hotel (Class C1) including bar and restaurant, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk. (Revised)

The Principal Project Manager (Development) set out a detailed description of the site and surrounding area, including: site photographs, views towards the site from surrounding streets, the location of Central and St David's conservation areas, the location of listed and locally listed buildings, and the character of the surrounding built environment. He also showed photos of views from the existing building towards the neighbouring properties along Northernhay Street, noting the level difference between the site and properties to the west. He then presented the proposed scheme, including: layout plans, highways plans, floor plans, elevations, indicative 3D views and sections, the latter of which showed the relationship of the buildings to the neighbouring properties, including separation distances and sightlines. He commented that the architecture of the two buildings had been amended to achieve more distinctive design and reduce the continuous built form across the site. The roofline was modulated to respond to the sloping topography. Both buildings included green roofs and photovoltaic panels. The buildings also incorporated artwork panelling on the ground floors. The Hotel included a green wall on part of the building facing Northernhay Street. The public spaces included new hard and soft landscaping, including a habitat pocket park with a footpath through it linking Paul Street near the junction with North Street to the City Wall.

The Principal Project Manager (Development) then presented the Landscape and Visual Impact Assessment illustrative views of the proposal from the surrounding streets, as well as Northernhay and Rougemont Gardens, and views from within the site near the scheduled City Wall. He then reported the following late matters:

- the agreement of Natural England with the conclusion of the appropriate assessment carried out by the Council under the Habitats and Species Regulations 2017 (as amended), provided the assessment is precise in setting out the number of units to be granted;
- confirmation by Devon County Council as the Lead Local Authority that surface water drainage detail can be dealt with a by pre-commencement condition;
- a request to delay the decision of the application from the Exeter Science Centre stating that the site would be appropriate for a STEAMM (Science, Technology, Engineering, Art, Maths and Medicine) Discovery Centre in the City Centre;
- a further objection from Mr Gavin Hall including a reference to material flaws in the committee report, a failure to meet the tests for some conditions as set out in the National Planning Policy Framework (NPPF) and stating that the public benefits would not outweigh the identified harm to heritage assets; and
- the written response of the planning agent refuting Mr Gavin Hall's letter.

With regard to the request from the Exeter Science Centre, the Principal Project Manager (Development) stated that it would be inappropriate to give due consideration to this proposal given the absence of any substantive planning details and that the focus should be solely on the planning issues relating to the application before Members.

With regard to the objection from Mr Gavin Hall, the Principal Project Manager (Development) responded as follows to the main issues raised:-

- the Co-living part of the application could be considered as contributing to the five year housing supply figures;
- the rationale for the affordable housing provision of 20% rather than 35% was detailed in the report as were the reasons for not recommending acceptance of the national space standards;
- the reduction in car parking spaces of 52% was not considered a significant loss as set out in the report and was also considered to comply with the Council's movement towards promoting more sustainable transport modes and its Net Zero 2030 vision;
- the identified conditions are not considered to fail the tests for planning conditions; and
- the comments on the impact on heritage assets disagree with the professional views of the Council's Heritage Officer and the conclusions of the report.

The Principal Project Manager (Development) also explained that the planning agent had corrected the estimated expenditure figures in the report which related to the first rather than the second set of revised plans being determined. The hotel was estimated to generate £3.5 million visitor expenditure per year instead of £3.9 million. The Co-living accommodation block was estimated to generate £4.8 million resident expenditure per year instead of £4.9 million. Whilst these figures had reduced it did not alter the conclusion that the public benefits of the proposal were considered to outweigh the harm to the significance of heritage assets, or the overall conclusion that there were no adverse impacts considered to significantly and demonstrably outweigh the economic, social and environmental benefits of the scheme.

He responded as follows to Members' queries:-

- there was no data on the national average length of occupancy for Co-living schemes, but it was felt acceptable that national space standards would not apply to this type of residential development. It was the first Co-living scheme

for Exeter, although this type had been built elsewhere, especially in London and are geared to a particular section of the market, that is, individuals seeking such accommodation in preference to a house in multiple occupation and wanting to live in a shared and well managed residential environment. Whilst the studio sizes were smaller than the relevant national space standard, the residents would have the benefit of shared facilities;

- Co-living is a new use that does not fit into a standard use class category making it sui-generis;
- there were 26 cluster flats, 99 studios and 251 bed-spaces overall. 152 bedroom spaces formed part of cluster apartments. Each cluster flat had a separate kitchen and amenity room to be shared by the residents of each flat within the cluster and the number of bedrooms in each cluster varied between four and eight;
- the boundary of the application site abuts the side elevation of the Guildhall Shopping Centre with the developer owning the Harlequin Centre itself and the removal and replacement of the footbridge would necessitate some works to the side elevation in this area;
- the management plan for the Co-living block stated that occupation would be for 18 years of age and over and would require on-site staff and/or a warden to ensure that the building was well managed;
- each flat within a cluster had their own kitchen and amenity room with additional communal spaces provided in the building on the lower ground floor, ground floor and upper ground floor with the higher floors to possess an extra amenity/kitchen combined space for use by all residents in the building, although the greater use was likely to come from the occupiers of those higher floors;
- there was no restriction on the type of lease other than a minimum of three months with longer tenancy agreements on offer to provide stable accommodation; and
- average dimensions of rooms vary, with studios between 18 to 21 square metres, the larger ones being for people with disabilities, and cluster bedrooms between about 12 and 16 square metres.

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

- recognise the necessity for more dense housing developments and options, including shared living in the City Centre and support the re-development of the failed Harlequin Centre. However, object to the application, as does Councillor Sills, a fellow St. David's Councillor, who is unable to attend, and is concerned about the development on grounds of massing, Co-living and the impact on heritage;
- the proposed design, scale and mass of the Co-living tower block and hotel will not make a positive contribution to the local character of either Conservation Area and both buildings will be overbearing on designated heritage assets. Historic England's letters have focused significantly on the City Wall, a scheduled monument, and the archaeology on the site, rather than on detailed impacts on nearby heritage assets and the heritage setting;
- this overdeveloped site fails to meet the requirements of CP17 to "enhance the city's unique historic townscape quality";
- the developer has failed to justify the harm that will occur on the wider area and heritage assets. It is claimed the public benefits of the scheme outweigh this level of harm, but this has not been justified;
- the City Council has a duty to assess the impact of these proposals on individual Grade II listed buildings under the Planning (Listed Buildings

and Conservation Areas) Act 1990. It is acknowledged by both the developer's and residents' structural engineers that there are known risks from pile driving and no safeguards to address any damage;

- the Local Plan Review sets out the Council's commitment to the conservation and improvement of Exeter's distinctive character by protecting the townscape;
- the height and dated look of the Co-living tower block at seven storeys tall and the hotel relate poorly to adjoining listed buildings, especially those on Northernhay Street. The proximity of the new development in one place is less than the 22 metres minimum distance from habitable rooms required in the Council's design guide - leading to fixed obscured windows in the Co-living block and the City Wall is not tall enough to mitigate overlooking;
- the developer has refused to supply a model to show proposed buildings and their relationship to the surrounding area. Moreover, the plans are not complete with some doors, showers and toilets missing;
- the harm to heritage are not outweighed by the asserted public benefits with the report recommending setting aside material conflicts with national guidance, standards and the Council's own policies;
- this is the first Co-living development to be determined by the Council but there is no Council policy defining Co-living nor do policies CP5 or CP7 sufficiently provide a basis for determining a Co-living application;
- no evidence to show that this type of accommodation will contribute to housing supply numbers, as it looks like Purpose Built Student Accommodation (PBSA), a type of specialist housing recognised by the Council, but not contributing to the housing supply. Co-living development is the same, the lease agreement asking tenants to keep rooms tidy - which is more akin to a student licence. If it cannot be demonstrated as long term living it is a big risk when a five year land supply is such a crucial issue;
- the site needs to be considered as part of the City's plans for housing in a planned fashion. It is ideal for new housing but will lead to more ad hoc development, further undermining housing supply requirements;
- the report does not explain the departure from the Nationally Described Space Standard or the City Council's own policies on residential space. A 2019 Centre for Cities report ranks the city as having one of the lowest average floor space per resident which must not be exacerbated by ignoring the Government's recommended space standards or dropping the Council's own policy for minimum space standards. These are intended as primary, permanent homes not accommodation for nine months;
- the application has been made as "sui generis" - the same category as a House in Multiple Occupation (HMO) with more than six rooms - and is effectively a block of flats to be used as a series of vertically stacked HMO's and should therefore be registered as a HMO;
- Exeter has a real shortage of affordable housing, especially for one bedroom accommodation. The City Council has a clear policy in CP7, going beyond the National Planning Practice Guidance and Government guidance on build to rent and seeks 35% affordable housing of which 70% should be provided as social rented housing with other developments. This proposal, however, seeks 20% affordable 'rooms' - none cited as social rented levels and no offsite alternative provision. This would be a precedent for other developers to avoid these responsibilities. Other local planning authorities, have sought to address the above weakness with Co-living schemes by adopting specific policies requiring Co-living developers to pay a financial contribution towards affordable housing;
- the Local Highway Authority has confirmed that safe and suitable access will be achieved, with no significant impacts on the transport network in line with the NPPF. However, there is no evidence that the removal of the right-

turn lane and queueing lane on Paul Street for traffic entering the Guildhall Car Park will reduce queueing traffic along Paul Street. It is likely that traffic will go around the block, which will increase journeys along St. David's Hill and increase air pollution;

- the Iron Bridge - a listed heritage asset - has a three tonne weight limit and should not be subject to the risk of increased queueing traffic and pollution;
- if the Committee are minded to approve this application, the following is suggested:-
 - (a) in the event of the failure of the Green Wall it should be replaced in a timely way to the same or better standard with a guarantee to maintain the required standard;
 - (b) the investment of funds for an off-site open space and play equipment in the St. David's ward as there is no play equipment in the city centre for use by the significant number of people including children in the Fore Street/Preston Street areas for whom Bury Meadow is not a local park;
 - (c) the sum for the protection and maintenance of the City Wall is insufficient;
 - (d) a condition is required that any damage to local assets is paid by the developer;
 - (e) a provisional sum should be set aside to monitor and mitigate the impact of the traffic and air pollution on St. David's Hill, a residential area, and the Iron Bridge. This sum should allow for traffic counts and speed and air quality assessments, and monitor the impact on the Iron Bridge. If these issues worsen after the first year of operation, then the sum should be used to introduce measures such as traffic calming and/or filtered permeability on St. David's Hill;
 - (f) measures are put in place to mitigate the impact of pile driving on the City Wall and adjacent listed properties and compensation arrangements for the Council and property owners of the listed buildings should structural damage occur;
 - (g) the Section 106 Agreement should include the £108,000 sum included in the capital assets programme for repairs to the Council's Paul Street Car Park ramp; and
 - (h) an addition to condition 51 tying the developer to ensure the free use of the "communal areas". Co-living developments in London make further charges for shared spaces - so called membership. Having to pay to access the communal amenity space is wrong.

Councillor D. Moore stated that this dominant, overbearing development in such a sensitive position linking the historic city centre and a residential area with significant negative impact on the heritage environment and offering a poor standard, but expensive, accommodation option was not a good development. On behalf of Councillor Sills, residents and herself she asked that the application be rejected.

Mary Chichester spoke against the application. She raised the following points:-

- the proposed seven storey tower block in the core of Exeter's Central Conservation area will overshadow surrounding three and four-storey listed buildings and dwarf the Roman city wall, a national monument;
- the Historic Environment report finds that the level of harm to most of the listed buildings in Northernhay Street is 'moderate to substantial adverse';
- the claim that the public benefits of this scheme outweigh this level of harm

is not justified as the benefit argument is highly contentious because a four-storey building would have the same public benefit as a seven-storey building, but avoid the potential harm to the city. An inspiring building, causing no harm to the ancient city, should be the goal;

- hundreds of Exeter residents have expressed strong objections with over 4,000 people having signed the 'Save Our Historic Exeter' petition. The Georgian Group, the Victorian Society, Exeter Civic Society and many local historians conclude that the proposal will harm the city's heritage assets. The proposal will harm the listed buildings on Northernhay Street, Queen Street and the RAMM, with the proposal being significantly higher and more dominant than the Guildhall Shopping Centre;
- the Heritage report refers to 'harm' and 'impact' but dismissing these as 'less than substantial'. There is a cumulative impact to the Conservation Area which qualifies as 'substantial harm';
- residents of neighbouring listed buildings have a legal duty to protect and maintain the Heritage assets and the duty of care should be reciprocated by the Local Authority; and
- the seven storey proposal is double and, in some cases triple, the height of neighbouring houses in Northernhay Street. The loss of amenity through noise, overlooking, overshadowing, light pollution, loss of daylight, loss of privacy and late night activities have not been given enough consideration.

The meeting was adjourned at 19:16 and re-convened at 19:25.

Chris Dadds spoke in support of the application. He raised the following points:-

- the application helps to deliver the Council's Liveable Exeter Vision;
- the Harlequin Centre has struggled as a retail location for many years and there are no calls for the use, or the centre itself, to be retained;
- the proposal will bring activity to Paul Street and increase the space for pedestrians and cyclists and removes vehicles from the area next to the City Wall, improving its setting by introducing high quality landscaping and a new interpretation building;
- because of public objections following public consultation in the summer of 2019 to a 140 bed hotel and just under 340 student beds in buildings of up to 11 storeys, the application was amended to provide a 114 bed hotel and just under 300 Co-living beds in buildings of up to eight storeys;
- the impact on the heritage assets of the area is less than substantial;
- to address the issues of climate change and to achieve the City's target of net zero carbon, high density living is required within the city and Co-living is a well-managed form of high density living with the alternative, not a suburban house, but a room in a house in multiple occupation;
- the hotel will achieve BREEAM Excellent standard with a Co-living block designed to Passivhaus principles; and
- all statutory consultees support the application and the impacts are outweighed by the substantial benefits this scheme will bring.

He responded as follows to Members' queries:-

- the accommodation provided is for Co-living only and therefore there is no breakdown between student and Co-living occupation;
- on site management will be on a 24/7 basis with staff on call at all times with no sleeping accommodation provided for these staff;
- the original proposal was for student occupation but changed to Co-living, a

new departure for Curlew in the UK, though the company have developed the Co-living concept in the Netherlands;

- the Co-living units provide greater level of shared facilities than PBSA;
- Curlew's intention is to develop further examples of Co-Living and, as such, this development will be a model and Curlew seek to retain long term management;
- surveys have been undertaken with adjacent property owners and, in consultation with the City Council, a construction management plan will be agreed as a condition to ensure any damage will be mitigated. It is not anticipated that any problems will be caused by pile driving;
- the management agreement also covers maintenance of the hard and soft landscaping areas;
- units will be constructed to Passivhaus standard;
- each bedroom has en-suite shower and toilet and plans will be fully amended to show door access; and
- there is a market interest in the location for the hotel development and Curlew are in discussion with hotel operators. The city centre location will encourage visitors without cars in line with the City Council's Net Zero 2030 goal.

Members expressed the following views:-

- development does not respect the city's heritage, notably the RAMM and views of the Cathedral and St Michael's Church, Mount Dinham. It is a prestige site for development but not one of this height, mass and design and it is a poor fit for the area;
- hotel visitors will always bring cars to the city and the argument that there will be reduced reliance on cars is flawed;
- no clear planning definition of Co-living and the continental definition of inter-generational living would be a better aspiration where young people live alongside the elderly and benefit from reduced rent;
- premise of sharing facilities and living next to other young people does not meet the definition of housing provision but that of shared accommodation. It does not provide affordable housing for 20 to 30 year olds and is PBSA in all but name when there is already a surfeit of PBSA accommodation in the city centre;
- if the scheme is not successful a change to occupation by students linked to a 12 week, short term occupation matching university terms may result;
- the City Council, as site owner, should seek to enhance the city centre and respect local heritage assets;
- the size of units is a concern and do not provide enough living space. Such sizes, which are akin to hotel rooms, although possibly of benefit to individuals in transition, do not provide a settled home environment;
- the development meets the pressing need for housing in Exeter. The Council is obliged to meet a five year housing supply in line with the National Policy Framework and the presumption of sustainable development should apply;
- the development addresses public concerns regarding the recent number of PBSA developments in the city centre and meets the associated demand for non-student accommodation;
- the development accords with the Core Strategy which sets out the need for sustainable developments to provide housing, jobs and supporting infrastructure on previously developed land, developments which should be of a high density and offering a variety of accommodation types and maintaining a vital and valuable mix of uses in the city centre;

- the development enhances Exeter's position as a premier retail and cultural destination;
- the development provides greater space standards than apply in respect of the conversion of office buildings to residential;
- given the severity of the housing shortage it is vital to provide housing for those in transition who would welcome this housing opportunity, as would recent graduates, key workers such as RD&E employees and others seeking to remain in the city;
- Co-living offers affordable housing provision which a PBSA would not;
- the amendments to the scheme are well considered and seek to protect listed and locally listed buildings, the Conservation Areas and the setting of the City Wall as well as improving the dead frontage of Paul Street and the rear of the site adjacent to the City Wall;
- the proposal meets the challenge of providing a high density development in the centre of an historic city with a positive impact on the Conservation Areas;
- demand for retail space in the city centre has reduced and a hotel and residential development offer a better alternative;
- many people will welcome the opportunity for leasing from a recognised housing company;
- the Harlequin Centre does not contribute aesthetically to the city centre, many units are vacant and the site is in need of re-development;
- city centre living represents a new phase in accommodation provision and, although much earlier housing was also of high density, a Co-living option offers high density but of a much higher quality, including Passivhaus;
- many young people seek greater flexibility in housing provision which is met by this offer allowing them to enjoy central living close to shops, restaurants, bars etc;
- the opportunity for a new type of city centre accommodation should be embraced, with the developer helping address the housing problem in a new way;
- city centre hotels can be attractive to those looking for city breaks or business trips but not bringing their own vehicle to the city; and
- the development supports the City Council Net Zero 2030 aspirations, boosts the local economy by providing jobs during construction, helps local business trade and introduces road safety improvements.

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the additional information sheet.

The recommendation was moved, seconded and carried.

RESOLVED that:-

- (1) subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure:-
 - co-living Management Plan/Monitoring;
 - 20% of the dwellings within the Co-living block to be affordable private rented with first priority to essential local workers;
 - £107,375 habitats mitigation;
 - £25,000 towards management, maintenance, repair and promotion of City Wall;
 - £100,000 for maintenance/upgrade of off-site public open spaces;
 - £25,000 for maintenance/upgrade of off-site play areas;

- £10,000 towards traffic regulation orders in the area;
- details of Variable Message Signs/signage to manage the use of the Guildhall car park;
- a Management Plan to ensure no parking is associated with the development and to ensure the operational facilities of the loading bays (in conjunction with the Guildhall);
- rights of access for all users for the new footbridge over the highway; and
- rights of access for all users to the City Wall.

all Section 106 contributions to be index linked from the date of resolution.

the Assistant Service Lead City Development be authorised to **APPROVE** planning permission for the development of a Co-Living (Sui Generis) accommodation block and a hotel (Class C1) including bar and restaurant, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk. (Revised) and, subject also to the following conditions:

1. Standard Time Limit – Full Planning Permission

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 comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans and Documents

The development hereby permitted shall be carried out in complete accordance with the approved plans and documents listed below, unless modified by the other conditions of this consent:

- Existing Site Location Plan (EHQ-LHC-EX-ZZ-L01.01 C02)
- GA Plan (EHQ -LHC-ZZ-XX-DR-L - 02-01 C06)
- Hardworks Plan (EHQ -LHC-ZZ-XX-DR-L - 93-01 C05)
- Softworks Plan (EHQ -LHC-ZZ-XX-DR-L - 94-01 C05)
- Rooftop Softworks Plan (EHQ -LHC-ZZ-ZZ-DR-L - 94-02 C04)
- Footbridge Sections (EHQ -LHC-XX-XX-DR-A - 03.04 C02)
- Indicative 'Insect Hotel' to Green/Brown Roofs (EHQ -LHC-ZZ-XX-DR-L - 93.40 C02)
- Indicative Information Kiosk Layout (EHQ -LHC-XX-XX-DR-AR - 97.01 C02)
- Landscape Details Sheet 1 of 2 (EHQ -LHC-XX-XX-DR-L - 93.10 C03)
- Landscape Details Sheet 2 of 2 (EHQ -LHC-XX-XX-DR-L - 93.20 C03)
- 'Stumpery' Detail to Habitat Pocket Park (EHQ -LHC-XX-XX-DR-L - 93.30 C02)
- Proposed SE and SW Elevations (EHQ -LHC-ZZ-ZZ-DR- A - 04.10 C05)
- Proposed NE and NW Elevations (EHQ -LHC-ZZ-ZZ-DR- A - 04.11 C05)
- Proposed Site Sections 1-1 and 2-2 (EHQ -LHC-ZZ-ZZ-DR- A - 03.10 C03)

- Proposed Site Sections A-A and B-B (EHQ -LHC-ZZ-ZZ-DR- A - 03.11 C03)
- Proposed Site Sections C-C, D-D and E-E (EHQ -LHC-ZZ-ZZ-DR- A - 03.12 C03)
- Proposed Site Sections F-F and G-G (EHQ -LHC-ZZ-ZZ-DR- A - 03.13 C02)
- Proposed Site Sections H-H and I-I (EHQ -LHC-ZZ-ZZ-DR- A - 03.14 C02)
- Proposed Site Sections J-J and K-K (EHQ -LHC-ZZ-ZZ-DR- A - 03.15 C02)
- Proposed Site Section L-L (EHQ -LHC-ZZ-ZZ-DR- A - 03.16 C02)
- B1 Lower Ground Floor Plan (EHQ -LHC-01-LGF-DR-A-02.01 C04)
- B1 Ground Floor Plan (EHQ -LHC-01-GF-DR-A-02.02 C04)
- B1 Upper Ground Floor (Mezzanine) Plan (EHQ -LHC-01-UGF-DR-A-02.03 C04)
- B1 First Floor Plan – Sheet 1 of 2 (EHQ -LHC-01-01-DR-A-02.04 C04)
- B1 First Floor Plan – Sheet 2 of 2 (EHQ -LHC-01-01-DR-A-02.11 C04)
- B1 Second Floor Plan – Sheet 1 of 2 (EHQ -LHC-01-02-DR-A-02.05 C05)
- B1 Second Floor Plan – Sheet 2 of 2 (EHQ -LHC-01-02-DR-A-02.12 C04)
- B1 Third Floor Plan (EHQ -LHC-01-03-DR-A-02.06 C04)
- B1 Fourth Floor Plan (EHQ -LHC-01-04-DR-A-02.07 C04)
- B1 Fifth Floor Plan (EHQ -LHC-01-05-DR-A-02.08 C04)
- B1 Roof Plan (EHQ -LHC-01-06-DR-A-02.09 C04)
- B1 North East Elevation (EHQ -LHC-01-ZZ-DR-A-04.02 C03)
- B1 South-East Elevation (EHQ -LHC-01-ZZ-DR-A-04.01 C03)
- B1 South West Elevation (EHQ -LHC-01-ZZ-DR-A-04.04 C03)
- B1 Colonnade Elevation (EHQ -LHC-01-ZZ-DR-A-04.06 C03)
- B1 North West Elevation (EHQ -LHC-01-ZZ-DR-A-04.03 C03)
- B1 S-E 2 and N-W 2 Elevations (EHQ -LHC-01-ZZ-DR-A-04.05 C03)
- B1 Section A-A (EHQ -LHC-01-ZZ-DR-A-03.01 C03)
- B1 Section B-B (EHQ -LHC-01-ZZ-DR-A-03.02 C03)
- B1 Section C-C (EHQ -LHC-01-ZZ-DR-A-03.03 C03)
- B1 Section D-D (EHQ -LHC-01-ZZ-DR-A-03.04 C03)
- B2 Car Park Plan (EHQ -LHC-02-LGF-DR-A -02.02 C04)
- B2 Entrance Levels Floor Plan (EHQ -LHC-02-02-DR-A -02.01 C04)
- B2 Ground Floor Plan (EHQ -LHC-02-G-DR-A -02.03 C04)
- B2 First Floor Plan (EHQ -LHC-02-01-DR-A -02.04 C04)
- B2 Second Floor Plan (EHQ -LHC-02-02-DR-A -02.05 C04)
- B2 Third Floor Plan (EHQ -LHC-02-03-DR-A -02.06 C04)
- B2 Fourth Floor Plan (EHQ -LHC-02-04-DR-A -02.07 C04)
- B2 Roof Plan (EHQ -LHC-02-05-DR-A -02.08 C04)
- B2 North East Elevation (EHQ -LHC-02-ZZ-DR-A -04.04 C03)
- B2 South East Elevation (EHQ -LHC-02-ZZ-DR-A -04.01 C03)
- B2 South West Elevation (EHQ -LHC-02-ZZ-DR-A -04.02 C03)
- B2 North West Elevation (EHQ -LHC-02-ZZ-DR-A -04.03 C04)
- B2 Section 1-1 (EHQ -LHC-02-ZZ-DR-A -03.01 C04)
- B2 Section 2-2 (EHQ -LHC-02-ZZ-DR-A -03.02 C04)
- B2 Section 3-3 (EHQ -LHC-02-ZZ-DR-A -03.03 C04)
- B2 Section A-A (EHQ -LHC-02-ZZ-DR-A -03.04 C04)
- B2 Section B-B (EHQ -LHC-02-ZZ-DR-A -03.05 C04)
- B2 Section C-C (EHQ -LHC-02-ZZ-DR-A -03.06 C04)
- B2 Section D-D (EHQ -LHC-02-ZZ-DR-A -03.07 C04)
- B2 Section E-E (EHQ -LHC-02-ZZ-DR-A -03.08 C04)
- Proposed Highway Layout Plan (Paul Street) (PHL-101 I)
- Queen Street/Paul Street General Arrangements (GA-101 C)
- North Street/Paul Street General Arrangements (GA-102 D)

- Arboricultural Impact Assessment Report (Aspect Tree Consulting, 07/10/2019)
- Ecological Assessment Report (EAD Ecology, October 2019)
- Technical Note – Ecological Assessment Report Addendum – Biodiversity Net Gain Assessment (EAD Ecology, 12/05/2020)
- Drainage Strategy Rev H (Cambria Consulting Ltd, May 2020)
- Passivhaus Planning Package Pre-assessment Report Rev 04 (Exeter City Living, May 2020)
- Archaeological Addendum Report (Cotswold Archaeology, August 2020)
- Exeter City Wall, Lying Between Northernhay Street and Paul Street – Preliminary Assessment of the Environmental and Conservation Impact of the Development of the Harlequins Centre (Tobit Curteis Associates LLP, July 2020)
- Exeter City Wall Section Between Northernhay Street and Paul Street Condition Survey and Conservation Appraisal (Odgers Conservation Consultants, July 2020)
- Exeter City Wall, lying between Northernhay Street and Paul Street – Overview report on the Structural Condition, relating to the Harlequins Centre Redevelopment (Mann Williams Consulting Civil and Structural Engineers, July 2020)
- Exeter City Wall, Section Between Northernhay Street and Paul Street Conservation Assessment Summary Results (Tobit Curteis, David Odgers, John Mann, 21/07/2021)

Reason: To ensure the development is constructed in accordance with the approved plans and documents, unless modified by the other conditions of this permission.

Pre-commencement Details

3. Programme of Archaeological Work

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.

4. Contaminated Land

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 buildings 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.

5. Surface Water Drainage

No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- a) A detailed drainage design based upon the submitted Drainage Strategy (Ref. CB1780-Rep01-H; Rev. H; dated 7th May 2020);
- b) Detailed proposals for the management of surface water run-off from the site during the demolition and construction phases of the development;
- c) Proposals for the adoption and maintenance of the permanent surface water drainage system; and
- d) A plan to show how exceedance flows will be managed at the site.

The development shall not be occupied until the works approved under (a)-(d) above have been implemented in accordance with the approved details under (a)-(d).

Reason: To ensure that surface water drainage is managed sustainably in accordance with Policy CP12 of the Core Strategy and paragraph 165 of the NPPF (2019). These details are required pre-commencement as specified to ensure that appropriate surface water drainage management systems are in place during the demolition/construction phases and after the development has been completed, and that these systems will be properly maintained to prevent adverse risk to the environment.

6. Foundation Details, Landscaping Formation Levels and Service Trench Routes

No development shall take place within the application site until the following details have been submitted to and approved in writing by the Local Planning Authority:

- the means of construction of the foundations of the buildings;
- landscaping formation levels; and
- service trench routes (including foul drainage).

The details shall be implemented as approved.

Reason: To ensure that disturbance to important archaeological remains is minimised in accordance with saved Policy C5 of the Exeter Local Plan First Review, and that there will be no impact to controlled waters in accordance with saved Policy EN3 of the Exeter Local Plan First Review and the Environment Agency response dated 29th November 2019. These details are required pre-commencement as specified to ensure that no works commence that may impact archaeological remains and controlled waters.

7. Construction and Environmental Management Plan (CEMP)

No development (including ground works) or vegetation clearance works shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The document shall provide for:

- a) Demolition and construction programme including integration of archaeological tasks from Condition 3.

- b) Protection and monitoring arrangements and measures for the City Wall adjoining the site during the demolition and construction phases taking into account the recommendations of the submitted reports regarding the City Wall, as referred to in the Heritage Officer's comments dated 20th August 2020 and 6th October 2020.
- c) The site access point(s) of all vehicles to the site during the demolition and construction phases.
- d) The parking of vehicles of site operatives and visitors during the demolition and construction phases.
- e) The areas for loading and unloading plant and materials during the demolition and construction phases.
- f) Storage areas of plant and materials during the demolition and construction phases.
- g) The erection and maintenance of securing hoarding.
- h) Wheel washing facilities.
- i) Strategy to measure and control the emission of dust and dirt during the demolition and construction phases (including boundary dust monitoring).
- j) No burning on site during the demolition and construction phases, or site preparation works.
- k) Strategy to measure and minimise noise/vibration nuisance to neighbours from plant and machinery during the demolition and construction phases.
- l) Demolition/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.
- m) No driven piling without prior consent of the Local Planning Authority.

The approved document shall be strictly adhered to throughout the demolition and construction phases of the development.

Reason: To ensure that the demolition and construction works are carried out in an appropriate manner to preserve and protect heritage assets, in the interests of the safety and convenience of highway users, and to minimise the impact on the amenity of the properties in the neighbourhood. These details are required pre-commencement as specified to ensure that a plan is in place to ensure that the development works are carried out in an appropriate manner.

8. Waste Audit Statement

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: 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 demolition and construction is managed sustainably.

9. Tree Protection

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 (or any superseding British Standard). Unless otherwise agreed in writing with the Local Planning Authority, 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 areas, nor shall trenches for service runs or any other excavations take place within the fenced areas 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. This information is required before development commences to protect trees during all stages of the construction process.

10. Co-Living Energy Performance (Policy CP15)

Before commencement of construction of the superstructure of the co-living accommodation block 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 the building the developer will submit a report to the Local Planning Authority 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 Policy CP15 of the Core Strategy. These details are required pre-commencement as specified to ensure that the requirements of Policy CP15 are met and the measures are included in the construction of the building.

11. Hotel to achieve BREEAM 'Excellent' standards (Policy CP15)

Unless otherwise agreed in writing by the Local Planning Authority, the hotel hereby approved shall achieve a BREEAM excellent standard (70% score) as a minimum. Prior to commencement of development of the hotel, the developer shall submit to the Local Planning Authority a BREEAM design (interim) stage assessment report, to be written by a licensed BREEAM assessor, which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required, the developer shall provide, prior to the commencement of development of the building, details of what changes will be made to the building to achieve the minimum standard for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason: To ensure that the proposal complies with Policy CP15 of the Core Strategy and in the interests of delivering sustainable development. The design (interim) stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

Pre-tree and Vegetation Clearance Works

12. Bird Nesting Season

No tree works or felling, or other vegetation clearance works shall be carried out on the site during the bird nesting season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If nesting birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

Reason: To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 175 of the NPPF (2019).

During Demolition and Construction Phases

13. Unsuspected Contamination

If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

Pre-Specific Works

14. Demolition

The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Reason: In the interests of the appearance of the Conservation Area.

15. Materials – Co-Living

Prior to the construction of the Co-Living accommodation block (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

Reason: In the interests of good design and the character and appearance of the Conservation Area, in accordance with Policy CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

16. Materials – Hotel

Prior to the construction of the hotel (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

Reason: In the interests of good design and the character and appearance of the Conservation Area, in accordance with Policy CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

17. Artwork – Co-Living

Prior to the construction of the Co-Living accommodation block (not including the foundations), details of the artwork that will be incorporated on the building shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved details.

Reason: In the interests of good design and the character and appearance of the Conservation Area, in accordance with Policy CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

18. Artwork – Hotel

Prior to the construction of the hotel (not including the foundations), details of the artwork that will be incorporated on the building shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved details.

Reason: In the interests of good design and the character and appearance of the Conservation Area, in accordance with Policy CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

19. Co-living Green Roof – Details/Maintenance

Prior to the construction of the Co-Living accommodation block (not including the foundations), the detailed design of the green roof system together with a scheme for its management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The green roof system shall be constructed, managed and maintained as approved.

Reason: In the interests of good design and biodiversity, in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review, and paragraphs 127, 130 and 175 of the NPPF (2019).

20. Hotel Green Roof – Details/Maintenance

Prior to the construction of the hotel (not including the foundations), the detailed design of the green roof system together with a scheme for its management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The green roof system shall be constructed, managed and maintained as approved.

Reason: In the interests of good design and biodiversity, in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review, and paragraphs 127, 130 and 175 of the NPPF (2019).

21. Hotel Green Wall – Details/Maintenance

Prior to the construction of the hotel (not including the foundations), the detailed design of the green wall system together with a scheme for its management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The green wall system shall be constructed, managed and maintained as approved.

Reason: In the interests of good design, the character and appearance of the Conservation Area and biodiversity, in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 127, 130 and 175 of the NPPF (2019).

22. Co-Living Integral Bird Boxes

Prior to the construction of the Co-Living accommodation block (not including the foundations), details of the provision for nesting birds in the built fabric of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with Policy CP17 of the Core Strategy, the Residential Design Guide SPD (Appendix 2) and paragraph 175 of the NPPF.

23. Hotel Integral Bird Boxes

Prior to the construction of the hotel (not including the foundations), details of the provision for nesting birds in the built fabric of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with Policy CP17 of the Core Strategy and paragraph 175 of the NPPF.

24. Co-Living Obscured Glazing

Prior to the construction of the Co-Living accommodation block (not including the foundations), details of the provision of obscured glazing on the northwest elevations of the building shall be submitted to and approved in writing by the Local Planning Authority. This shall include the frosted privacy glass windows indicated on the approved floor plans and frosted glazing indicated on the N-W 2 elevation, which shall be permanently fixed closed, and the windows of the cluster rooms and studios on the N-W 2 elevation with a line of sight to 39 Northernhay Street, which shall be partially obscured at a low level. The details shall include the level of obscurity of the glazing. The details shall be implemented as approved and maintained at all times thereafter.

Reason: To protect the privacy of neighbouring properties in accordance with saved Policy DG4 of the Exeter Local Plan First Review.

25. Hotel Obscured Glazing

Prior to the construction of the hotel (not including the foundations), details of the provision of obscured glazing on the northwest elevations of the building shall be submitted to and approved in writing by the Local Planning Authority. This shall include the frosted glass to NW corridor glazing indicated on the North West Elevation drawing, which shall be permanently fixed closed, and the windows of the bedrooms on the first, second and third floors facing northwest, which shall be partially obscured at a low level. The details shall include the level of obscurity of the glazing. The details shall be implemented as approved and maintained at all times thereafter.

Reason: To protect the privacy of neighbouring properties in accordance with

saved Policy DG4 of the Exeter Local Plan First Review.

26. Bridge

The new footbridge over Paul Street shall not be constructed until an Approval in Principle for the design of the bridge has been agreed by the Local Highway Authority. The footbridge shall be constructed as approved.

Reason: To ensure the safe construction of the footbridge and the integrity of adjacent structures and land.

Pre-occupation

27. Detailed Landscaping Scheme

Prior to the occupation of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. Where applicable, it shall specify tree and plant species and methods of planting. The hard landscaping shall be constructed as approved prior to the occupation of the development. The soft landscaping shall be planted in the first planting season following the occupation of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of good design in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraphs 127 and 130 of the NPPF (2019).

28. Landscape and Ecology Management plan (LEMP)

Prior to the occupation of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: In the interests of biodiversity and good design in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policies LS4 and DG1 of the

Local Plan First Review and paragraphs 127 and 175 of the NPPF.

29. External Lighting Scheme

Prior to the occupation of the development hereby permitted, an External Lighting Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location, type, illuminance and light spill of the external lighting on the site. The scheme shall be implemented and maintained as approved.

Reason: In the interests of good design and the character and amenity of the area, in accordance with Policy CP17 of the Core Strategy, saved Policies DG1 and DG4 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

30. Lighting Impact Assessment

Prior to the occupation of the development hereby permitted, a Lighting Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Impact Assessment shall assess the impact of internal and external light spill on neighbouring properties. The recommendations of the approved Lighting Impact Assessment to minimise harm to the neighbouring properties, including any timing controls, shall be implemented in full.

Reason: In the interests of the amenity of neighbouring properties, in accordance with saved Policy DG4 of the Exeter Local Plan First Review.

31. Detailed Design and Management of the Interpretation Centre

Prior to the occupation of the development hereby permitted, the detailed design and management of the Interpretation Centre shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of the proposed site interpretation panels. The Interpretation Centre shall be constructed and managed as approved.

Reason: In the interests of good design and the character and appearance of the Conservation Area, in accordance with Policy CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

32. CCTV

Prior to the occupation of the development hereby permitted, a strategy for the distribution and management of CCTV on the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location and design of CCTV cameras, which should be integrated in an unobtrusive manner. The strategy shall be implemented as approved.

Reason: In order to help prevent/detect crime, disorder and anti-social behaviour in accordance with the advice of the Police Designing Out Crime Officer and saved Policy DG7 of the Exeter Local Plan First Review.

33. Paul Street Highway Works

No part of the development shall be occupied until the proposed highway works on Paul Street (loading bays, vehicular access points and improved pedestrian/cycleway facilities), as indicated on drawing number PHL-101 Rev I ('Proposed Highway Layout Plan (Paul Street)'), have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To provide a safe and suitable access for vehicles, pedestrians and

cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

34. Queen Street/Paul Street Highway Works

No part of the development shall be occupied until the proposed highway works on Queen Street/Paul Street, as indicated on drawing number GA-101 Rev C ('Queen Street/Paul Street General Arrangements'), have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To provide a safe and suitable access for vehicles, pedestrians and cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

35. North Street/Paul Street Highway Works

No part of the development shall be occupied until the proposed highway works on North Street/Paul Street, as indicated on drawing number GA-102 Rev D ('North Street/Paul Street General Arrangements'), have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To provide a safe and suitable access for vehicles, pedestrians and cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

36. Pedestrian Routes

No part of the development shall be occupied until the pedestrian routes through the site, indicated on the diagrams in section 4.10 of the Design and Access Statement, linking Paul Street to Northernhay Street via Maddocks Row have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To provide a safe and suitable access for pedestrians, in accordance with paragraphs 108 and 110 of the NPPF (2019).

37. Electric Hire Bikes

No part of the development shall be occupied until a facility for the hire of electric bicycles has been provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The facility shall be maintained at all time thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that this aspect of the application is delivered and in the interests of encouraging sustainable travel.

38. Cycle Parking – Co-Living

The Co-Living accommodation block shall not be occupied until secure cycle parking for the residents of the building has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The secure cycle parking shall be maintained at all times thereafter.

Reason: To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

39. Cycle Parking – Hotel

The hotel shall not be occupied until secure cycle parking for the employees and guests of the hotel have been provided in accordance with details previously

submitted to and approved in writing by the Local Planning Authority. The secure cycle parking shall be maintained at all times thereafter.

Reason: To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

40. Cycle Parking – Public Realm

Unless otherwise agreed in writing with the Local Planning Authority, the development shall not be occupied until the cycle parking shown on the approved drawings within the public realm for use by the general public has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. This general cycle parking shall be maintained at all times thereafter.

Reason: To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

41. Car Club

Unless otherwise agreed in writing with the Local Planning Authority, the development shall not be occupied until a car club facility has been provided on the site in accordance with details (location, number of vehicles, operator) previously submitted to and approved in writing by the Local Planning Authority. The facility shall be maintained at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To discourage the use of private cars in the interests of sustainable travel in accordance with the Sustainable Transport SPD and chapter 9 of the NPPF (2019).

42. Electric Vehicle Charging Points

No part of the development shall be occupied until the two electric vehicle charging bays indicated in the application have been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging bays shall be maintained at all times thereafter.

Reason: To ensure that this aspect of the application is delivered and in the interests of encouraging sustainable travel in accordance with the Sustainable Transport SPD and paragraph 110 of the NPPF (2019).

43. Proposed New Car Park Access Barriers

No part of the development shall be occupied until the proposed new car park access barriers indicated on drawing number 0779 PHL-101 I ('Proposed Highway Layout Plan (Paul Street)') have been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The access barriers shall be maintained at all times thereafter.

Reason: To provide a safe and suitable access for pedestrians and cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

44. Hotel Vehicle Management Plan

The hotel shall not be occupied until a vehicle management plan for the hotel has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the timing of deliveries and the arrangements and limitations

of pick-up/drop-off parking for guests. The vehicle management plan shall be implemented as approved.

Reason: To provide safe and suitable access for vehicles, pedestrians and cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

45. Travel Plan – Co-Living

No part of the Co-Living accommodation block shall be occupied until a travel plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

Reason: To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review.

46. Travel Pack – Co-Living

Prior to occupation of the Co-Living accommodation block hereby permitted, a travel pack shall be provided informing all residents and staff of the car free status of the development, and the walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car clubs and electric bike hire facilities available, the form and content of which will have previously been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To ensure that all residents and staff of the development are aware of its car free status and the available sustainable travel options.

47. Travel Plan – Hotel

No part of the hotel shall be occupied until a travel plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

Reason: To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review.

48. Travel Pack – Hotel

Prior to occupation of the hotel hereby permitted, a travel pack shall be provided informing all staff of the car free status of the development, and the walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car clubs and electric bike hire facilities available, the form and content of which will have previously been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To ensure that all staff of the development are aware of its car free status and the available sustainable travel options.

49. Commercial Kitchen Extraction

Prior to occupation of the hotel hereby permitted, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: In the interest of the amenity of the neighbourhood.

Post Occupancy

50. Waste and Recycling Bins

No waste or recycling bins or containers shall be stored outside the integral bin stores of the buildings hereby approved except upon the day(s) of collection.

Reason: In the interests of the amenity of the neighbourhood.

51. Co-Living Communal Spaces

The communal areas, multi-use space and shared kitchen/amenity rooms within the Co-Living accommodation block, as shown on the approved floor plans, and the external courtyard to the rear of the building shall be used for communal use by all the residents of the Co-Living accommodation block only and shall not be subdivided in any way to create additional private bedrooms/spaces.

Reason: To ensure sufficient communal space is available for the residents of the Co-Living accommodation block in the interests of residential amenity.

52. Plant Noise

The total noise from mechanical building services plant on the site shall not exceed the noise levels shown in the table of paragraph 9.3.8 of the Acoustic Design Statement (Clarke Saunders Acoustics, 23 December 2019) (Report Ref. AS10946.1901009.R2.4).

Reason: To protect the amenity of sensitive receptors in the vicinity of the site.

- (2) the Assistant Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 21 April 2021 or such extended time as agreed by the Assistant Service Lead City Development for the reasons set out below:-

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:-

- Co-living Management Plan/Monitoring;
- 20% of the dwellings within the co-living block will be affordable private rented with first priority to essential local workers;
- £107,375 habitats mitigation;
- £25,000 towards management, maintenance, repair and promotion of City Wall;
- £100,000 for maintenance/upgrade of off-site public open spaces;
- £25,000 for maintenance/upgrade of off-site play areas;
- £10,000 towards traffic regulation orders in the area;
- Details of Variable Message Signs/signage to manage the use of the Guildhall car park;

- a Management Plan to ensure no parking is associated with the development and to ensure the operational facilities of the loading bays (in conjunction with the Guildhall); and
- rights of access for all users for the new footbridge over the highway
- rights of access for all users to the City Wall.

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP4, CP7, CP9, CP10, CP16, CP17 and CP18, Exeter Local Plan First Review 1995-2011 saved policies TM5, L4, T1, C5, LS2, LS3 and DS1, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

(The meeting commenced at 5.30 pm and closed at 8.23 pm)

Chair

DRAFT

PLANNING COMMITTEE **(HELD AS A VIRTUAL MEETING)**

Monday 16 November 2020

Present:-

Councillor Morse (Chair)
Councillors Williams, Bialyk, Branston, Foale, Ghusain, Hannaford, Harvey, Mrs Henson, Mitchell, M, Sparkes, Sutton and Wright

Also Present

Director City Development, Housing & Supporting People, City Development Consultant, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (PJ), Principal Project Manager (DC), Project Manager (Planning), Highways Development Management Office, Legal Advisor, Democratic Services Officer (MD) and Democratic Services Officer (HB)

82

MINUTES

The minutes of the meeting held on 12 October 2020 were taken as read and approved as correct, for signing by the Chair at the earliest possible convenience.

83

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

84

PLANNING APPLICATION NO. 15/0641/OUT - ALDENS FARM WEST LAND BETWEEN SHILLINGFORD ROAD AND CHUDLEIGH ROAD, ALPHINGTON

The Principal Project Manager (Development) (PJ) presented the application for residential development including new access onto Shillingford Road and associated infrastructure, with all matters reserved for future consideration.

The Principal Project Manager (Development) provided a description of the site area with outline proposal and an illustrative layout for 116 dwelling and explained the planning context of the site in relation to surrounding sites and the strategic allocation of 2,500 homes for South West Exeter. He referred to the following key issues:-

- the principle of development;
- affordable housing of potentially 35 dwellings at a rate of 30%;
- the Council's five year supply of housing;
- access and impact on local highways;
- scale, design, and impact on character and appearance;
- the Alphington Development Brief;
- ecological issues and habitat mitigation;
- district heating;
- sustainable construction and energy conservation;
- economic benefits and CIL/Section 106 for the wider south west area, public realm.

The Principal Project Manager (Development) (PJ) advised that:-

- following further consultation with Devon County amendments were proposed to the phasing of the Section 106 Agreement contributions in respect of affordable housing, district heating, provision and maintenance of public open space, transport, education, GP and open space to align with the timing requirements of Teignbridge District Council in the neighbouring developments;
- conditions had been included to secure a through route link from Shillingford Road to Chudleigh Road and an additional condition was proposed to ensure a two way bus flow through the site; and
- it was considered that the additional information provided by the developer met the requirements of the Alphington Development Brief.

The Principal Project Manager (Development) responded as follows to Members' queries:-

- conditions had been added to increase the width of radius of the road into the site to ensure enough space to be served by public transport and to ensure a suitable internal layout with appropriate provision within the Section 106 Agreement;
- the Alphington Development Brief confirmed the importance of Markham Lane to the character of the area to ensure its bio-diversity would be maintained, its hedgerows retained and that it would not be used as a bus route. Financial contributions within the Section 106 Agreement would secure the upgrade of the road;
- gaps would be provided through Markham Lane for pedestrian and cycle access from the site to the community facilities and school to the south of the site and barriers and appropriate fencing provided at reserved matters stage to secure safe access onto the Lane;
- regard would be made to preserve the landscape setting of the Markham Ridge as part of the overall strategic housing site; and
- although not included within the Section 106 Agreement, discussions were progressing with Burrington Estates and Redrow on the proposal to link to the District Heating network and the Marsh Barton incinerator.

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

- pleased that many of the requirements of the Alphington Development Brief will be met including the 30% affordable housing provision and the character of Markham Lane retained;
- welcome access onto Chudleigh Road to meet the County Council's highway objections and a limit of 75 dwellings before this access can be built;
- welcome footpath from the access to the development site onto Shillingford Road and the new pedestrian crossing;
- the requirement for adequate pedestrian and cycling access from this site to the city centre remains;
- welcome requirement in the Section 106 Agreement for traffic calming and 20 mph limit along Chudleigh and Shillingford Roads to improve safety for pedestrian and cyclists;
- concerns of Devon Wildlife Trust regarding the need to maintain biodiversity through the retention of existing hedgerows - bats use the hedgerows and trees as corridors in which to navigate. A mitigation and enhancement plan to protect bio-diversity is set out in the Alphington Brief and the associated conditions are welcomed; and

- connection to the district heating scheme also included in the Alphington Brief in line with the Council's Net Zero 2030 goal. Link to the energy from waste incinerator at Marsh Barton should therefore be a condition to make efficient use of local and natural resources and the developer should be tied to this and implemented as part of this planning permission.

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

- Alphington is going through a significant change with the loss of agricultural land for housing;
- need to address the serious local concerns about the increased traffic which will further grow with this and other housing developments;
- Shillingford Road, although single in parts, is not a quiet country lane. A survey showed 92 vehicles passing in 30 minutes from 10:00 am to 10:30am and, similarly, 124 vehicles between 3:30pm and 4:00pm;
- welcome safeguarding of the second entrance onto Chudleigh Road and the crossing on Shillingford Road because of the dangers to pedestrians visiting Alphington shops and the community centre. Shillingford Road has no pavement on one side of the road where there are 12 houses that have driveways that come directly onto the highway;
- have requested traffic calming for Shillingford Road which is also a main road for the villagers of Shillingford St George, Shillingford Abbot, Cuthan Underdown and tourist areas such as Haldon Forest, the angling centre, the vineyards and the caravanning and camping site at Clapham Underdown. Agricultural and HGV vehicles also use the road; and
- people in Alphington do need housing but the changes to the area are substantial and Shillingford Road remains dangerous.

Mrs Meadowcroft spoke against the application. She raised the following points:-

- Alphington residents concerned about the increased traffic on Shillingford Road once this development is built;
- drivers ignore the unenforceable 20mph speed limit, ending up at speed at the double roundabout on Chudleigh Road, regularly congested with traffic from the A379, causing vehicles to back up almost as far as this development site;
- at least half of the whole South West Exeter development is north of the A379 with approximately 1,300 houses in addition to this application, with at least five new accesses onto Chudleigh Road and two on to Dawlish Road;
- there is a need to look at the whole picture instead of approving each application separately;
- declaration by the Highways Authority that the development's traffic is unlikely to result in a severe impact on the safe and efficient operation of the strategic road network is flawed;
- the two village mini-roundabouts will not be able to operate within capacity. There is a direct impact from the neighbouring developments of 2,500 new houses;
- no new community facilities apart from the Local Centre being built over a kilometre away, south of the A379. New residents will come into Alphington village, where there is no proper car park and the school and surgery are already full;
- Burrington Estates have ignored the fact that their development is part of a much bigger scheme with no links to surrounding residential areas or into the rest of the South West Exeter;
- the historic Markham Lane bordering the south side is meant to be made into a high-quality cycle and pedestrian route and it is essential that the developer

- contributes to these works; and
- request deferral of the application.

The Highways Development Management Officer advised that:-

- the development was included within the South West Exeter Masterplan allocating 2,500 homes in Teignbridge and Exeter. The developer of this site would contribute to safe and sustainable highway conditions to be delivered through a Section 106 Agreement and mitigation measures;
- a sense of place and frontage development would in themselves enforce the speed limits along Shillingford Road;
- the Section 106 Agreement included a package of safety works for Alphington village including safety measures in the village itself, pedestrian links to north and south of the development and the bus route within the site; and
- the development was part of the holistic approach adopted for the whole Masterplan area including pedestrian and cycle bridge works linking to the developments in Teignbridge, contributions to Markham Lane on the boundary between Exeter and Teignbridge and bus packages linking Exeter and Teignbridge.

Members expressed the following views:-

- the development should be connected to the District Heating network in line with CP17 of the Core Strategy Submission Document 2011 as part of the carbon energy from waste facility at Marsh Barton;
- there should have been a more comprehensive approach in the development of the wider south west area as opposed to bringing forward individual, piecemeal developments;
- no guarantee that the proposed serving of the development by a bus route will be maintained;
- the application is part of the wider South West Exeter development which has been discussed for some ten years with the majority of the 2,500 homes being brought forward in the neighbouring authority with a smaller number within the Exeter boundary;
- recognise role of the Alphington Village Forum in working to securing a number of changes associated with the developments; and
- the developments in Alphington are important to help meet the housing need in the city and reflect the ambitions within the Liveable Exeter Vision

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report together with an additional condition as set out in the update sheet regarding the bus route into the site.

A proposal to add a condition to require the development to be linked to the District Centre was moved as an amendment, seconded and carried.

The recommendations, as amended, were moved and seconded and carried.

RESOLVED that

- (1) subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure:-

Affordable housing

30% contribution (70% of the affordable units are to be social rent and the

remainder to be intermediate affordable housing) - 5% of the affordable units to be wheelchair accessible; and
50% of affordable housing units to be constructed and made available for occupation prior to the occupation of 50% of Open Market units. Remaining 50% of affordable housing units to be constructed and made available for occupation prior to occupation of 80% of Open Market units.

Transport

Contributions required as follows:

- Pedestrian/cycle bridge contribution of £1,104 per dwelling;
- Chudleigh Road/A379 improvements works contribution of £3,798 per dwelling;
- Alphington Public Realm Works contribution of £1,100 per dwelling;
- Loram Way Cycle link contribution of £375 per dwelling;
- Bus Service upgrade/extension contribution of £1,750 per dwelling;
- Car Club contribution of £132 per dwelling;
- Travel planning contribution £500 per dwelling;
- Markham Lane contribution (to be agreed); and
- In the case of the highway contributions all figures to be indexed linked from 2016.

For simplicity, the applicant has suggested the above is combined into one payment of £8,759 per dwelling (plus the Markham Lane contribution), payable as follows:-

To pay the County Council 50% of the highway contribution prior to occupation of 25% of the dwelling; and

To pay to the County Council the full balance of the highway contribution prior to the occupation of 50% of the dwellings.

- Prior to commencement;
- Enter into a Section 278 agreement; and
- One Traffic Regulation Order of £5,000.

Education

Contribution to primary education of £4,004.75 per family-type dwelling (based on the Department of Education new build rate of £16,019 per pupil). This contribution would be used towards new primary provision in South West Exeter. One bedroom dwellings are excluded;

Contribution to secondary education of £2,026.83 per family-type dwelling (based on the Department of Education new build rate of £24,261 per pupil). This contribution will be used towards new secondary provision in South West Exeter. One bedroom dwellings are excluded;

Contribution of £250 per dwelling for Early Years provision. This will be used to provide early years provision for pupils likely to be generated by the proposed development. This contribution will be used towards new early years' places in South West Exeter. One bedroom dwellings are excluded.

Payments to be provided as follows:-

To pay the County Council 50% of the education contribution prior to occupation of 25% of the dwelling; and

To pay to the County Council the full balance of the education contribution prior to the occupation of 50% of the dwellings.

GP Facilities/Provision

£384 per dwelling towards enhanced GP facilities in the locality.

To pay 50% of the health contribution to the Council prior to the first dwelling being occupied; and
To pay the full balance of the health contribution prior to the occupation of 50% of the dwellings.

Open Space/Landscaping

No more than 50% of dwellings shall be occupied until the Public Open Space has been laid out in accordance with the approved plans; and
Prior to completion of Public Open Space/Locally Equipped Area of Play areas, details of management company to be provided.

District heating connection.

Safeguard access/bus link to eastern boundary

all Section 106 contributions to be index linked from the date of resolution.

the Assistant Service Lead City Development be authorised to **APPROVE** planning permission for residential development including new access onto Shillingford Road and associated infrastructure, with all matters reserved for future consideration subject to prior consultation with the Chair on securing the linking of this development to the District Heating system and, subject also to the following conditions:

1. Approval of the details of the layout, scale, appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
2. 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 the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.
Reason: To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
3. In respect of those matters not reserved for later approval the development hereby permitted shall be carried out in accordance with the proposed access scheme shown on drawing no.14807-HYD-XX-XX-DR-TP-0201 rev P02.
Reason: To ensure that an appropriate vehicular access is provided to serve the development.
4. No part of the development shall be occupied until pedestrian/cycle links onto Shillingford Road, Veitch Gardens and Markham Lane to existing highways have been completed 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 to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.
5. No part of the development shall be occupied until a 2m footpath adjacent to Shillingford Road as indicated on *Drawing Number 14807-HYD-XX-XX-*

DR-TP-0201 Rev P02 have been completed with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and with the Local Highway Authority

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF

6. No more than 75 dwellings shall be occupied until a vehicular route from Shillingford Road to Chudleigh Road capable of accommodating two-way bus flow through the site have been provided to a specification agreed in writing with the Local Planning Authority and with the Local Highway Authority
Reason: To ensure the site is served by sustainable transport modes required to meet the agreed residential trip rates and to ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 108 of the NPPF.
7. 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.
Reason: In the interests of the amenity of the occupants of the buildings hereby approved.
8. **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.
9. **Pre-commencement condition:** No development shall take place until a Waste Audit Statement for waste arising from the development has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include:
 - a) methods to reduce the amount of waste material
 - b) methods to re-use the waste within the development
 - c) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place
 - d) estimated quantities of excavated/demolition materials arising from the site
 - e) evidence that all alternative methods of waste disposal have been considered
 - f) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.Reason: The development shall be carried out in accordance with the

approved statement.

10. **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.
Reason - In the interests of securing a comprehensive approach to the preservation and enhancement of the landscape and ecological interest of the site.

11. **Pre-commencement condition:** No development (including ground works) or vegetation clearance work shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority including:
- (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inclusive: 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) the proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) details of the amount and location of construction worker parking.
 - (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason: To minimise the environmental impacts of the construction process for local residents and in the interests of amenity.

12. **Pre-commencement condition:** No development shall take place until a noise quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the local planning authority and the results, together with any mitigation measures necessary, have been agreed in writing by the local planning authority. The development shall not be occupied until the approved mitigation measures

have implemented.

Reason: In the interests of residential amenity.

13. Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:
- (a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
 - (b) A detailed drainage design based upon the approved Flood Risk Assessment and the results of the information submitted in relation to (a) above
 - (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
 - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (e) A plan indicating how exceedance flows will be safely managed at the site.
 - (f) Evidence there is agreement in principle from the landowner/DCC highways/SWW
 - (g) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

14. **Pre-commencement condition:** No development shall take place until an air quality report has been submitted and agreed in writing by the Local Planning Authority of how good design principles and best practice measures, as outlined in Chapter 5 of the IAQM/EPUK guidance Land-Use Planning & Development Control: Planning For Air Quality, will be incorporated to ensure that emissions are fully minimised. The development shall not be occupied until the agreed measures have implemented.

Reason: In the interests of residential amenity.

15. **Pre-commencement condition:** No development shall commence until details of the open space provision (to be not less than 10% of the total site area and excluding hedgerow and associated buffer area) and children's play equipment has been submitted to and approved in writing by the local planning authority and thereafter installed to an agreed timescale and maintained in accordance with the agreed details.

Reason: In the interests of residential amenity.

16. With the exception of the approved removal of the accesses for the site any trees and 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.

17. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the tree protection plans submitted as part of a arboricultural Survey before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason: To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.
18. Unless it is agreed in writing by the Local Planning Authority prior to commencement that it is not viable or feasible to do so , or would unreasonably delay construction the habitable buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the proposed low temperature hot water decentralised energy district heating network. Space shall be provided for the necessary on-site infrastructure (including pipework, plant and machinery) for connection of those systems to the network at points at the application site boundary, as agreed in writing by the local planning authority.
Reason: To ensure that the proposal complies with Policy CP13 of Councils Adopted Core Strategy and paragraph 153 of the NPPF and in the interests of delivering sustainable development.
19. The development shall achieve a 19% reduction in CO2 emissions over than necessary to meet the requirements of the 2013 Building Regulations.
Reason - In the interests of sustainable development and in accordance with Exeter Core Strategy Policy CP15.
20. Prior to or as part of the Reserved Matters, details of a vehicular route from Shillingford Road to the eastern boundary capable of accommodating two way bus flow including swept path analysis through the site has been provided to a specification agreed in writing with the Local Planning Authority and the Local Highway Authority.
Reason: To ensure that a safe and suitable access to the site is provided and capable of being used by buses.

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 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, which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund 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) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development.
It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. 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.
- 3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 4) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

- (1) the Assistant Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 7 March 2021 or such extended time as agreed by the Assistant Service Lead City Development for the reasons set out below:-

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:-

- Affordable Housing;
- Education contribution;
- GP contribution;
- Highway infrastructure contributions;
- Travel Planning contribution; and
- Traffic Regulation Order contribution

The proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, and 10, and policies CP4, CP5, CP7, CP9, CP10, CP13, CP16 and CP17, Exeter Local Plan First Review 1995-2011 saved policies H6, T3, DG1 and DG4 Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013.

cabinet at base and associated ancillary works.

The Assistant Service Lead City Development:-

- detailed the location of the mast and the associated equipment explaining that the height of the mast had been reduced from 20 metres and its location moved slightly to avoid a gas main;
- referred to a map showing the cell search of the area detailing areas covered by 5G and areas where coverage was poor or with little or no coverage;
- referred to other site options considered by the applicant and the reasons for their rejection such as conflicts with transmission with other masts and a preference for using public land; and
- referred to a series of photo montages provided by the applicant, which showed a range of views and the potential visual impact the mast would have on the street scene.

He advised that a total of 183 representations had been received with 178 objecting. Responding to new issues raised he advised that:-

- a potential site option to the north of Exeter Arms was not considered suitable because of an existing mast used by a different operator which would have resulted in interference;
- the height of a typical double decker bus was 4.5 metres which was lower than the 18 metre height of the mast and therefore the difference between passengers and height of mast was significantly in excess of Government guidelines; and
- the visuals submitted were in respect of a 20 metre mast but were considered acceptable as it was possible to gauge the impact of a 18 metre mast.

The Assistant Service Lead City Development advised that grounds for approval of the prior approval were limited to size, shape and appearance and it was not considered that there were reasons for refusal on these grounds.

He responded as follows to Members queries:-

- St Peters School, which was 200 metres from the application site, had been consulted, the school making representations in July 2020, seeking assurance that the mast complied with Government guidance. No further representation had been received from the school;
- the mast and associated equipment were on the back edge of the pavement with a gap of 3.475 metres between the cabinet and kerb. The Highway Authority had confirmed that the pavement was sufficiently wide and the equipment did not impede use by pedestrians and cyclists;
- no objections had been received from the Devon and Cornwall Constabulary;
- issues relating to Biodiversity, including the reference to wildlife whiskered bats, accorded with Government guidance and there was no evidence that there would be an adverse impact on wildlife; and
- the submission of a statutory nuisance was not part of the planning system.

Ms Tere Wells spoke against the application. She raised the following points:-

- Sidmouth Road is a major link between Exeter and the East of Exeter with the mature trees being a crucial aesthetic creating an image of a "Green

City";

- a Devon Wildlife Trust Survey of 2018 states that there are "Whiskered Bats " at Middlemoor, a protected species in the UK and Europe;
- 5G will not pass through wet foliage, trees are being felled nationwide to allow this new technology and any damage to the tree lined road would alter the appearance of the locality;
- this 18 metre pole will be visible from some distance and will be in direct line of sight for local residents, businesses, approach roads and loom high above bus stops;
- there is a proliferation of masts in this area;
- it is sited close to a school with 2,000 pupils, which had little time to research and inform parents;
- no evidence to show that local businesses have been consulted;
- no exclusion zone information has been provided regarding the close proximity of the School, local businesses and residential properties;
- the International Commission on Non-Ionizing Radiation Protection certificate is out of date, unsigned, incomplete;
- emissions may constitute a Statutory Nuisance caused by toxic pollutants and a Statutory Nuisance Complaint has been lodged with Environmental Health by residents to investigate whether polluting effects are permissible;
- a precautionary approach to the siting of masts is necessary on public health grounds; and
- application should be rejected on siting, appearance and the incomplete, invalid information provided with this application.

The Chair referred to the following:-

- under national planning regulations the Council can only consider siting and appearance and mobile operators are not required to justify need;
- the Council cannot consider perception of health risk associated with new telecoms, or the precautionary principal. The considerations to be taken into account in the determination of Prior Approval applications are prescribed and are very limited under planning regulations;
- the application has to be determined within 56 days of receipt or a date agreed with the applicant. The operator has the right to install the apparatus if there is no response within this timescale; and
- the Council has no control over what applications are submitted, nor can it withdraw the application. Only the applicant can withdraw the application. If the Council refuses to determine the application within the 56 days (or an agreed date) and planning permission can still be granted.

Members expressed the following views:-

- oppose location of the site and the mast will have an adverse impact on residential area and local residents;
- site is close to the school building itself as well as the corner of the playing field and concern that the school has not come back with further issues;
- mast is likely to have an adverse impact on the neighbouring public service operators given the proximity of the Police Headquarters and the Fire Station, radio etc. signals from which are likely to be disrupted;
- the application should be deferred to assess the statutory nuisance complaint lodged with the Council;
- further information is required on the cumulative impact of masts in the area;
- St. Peters School and the Police have engaged with the consultation process, the school being 200 metres away. Neither objected;

- site is in an acceptable location on the outskirts of the city and not sufficiently close to residential areas; and
- masts are required to meet coverage for mobile phones use of which is widespread.

The recommendation was for approval subject to the condition set out in the report.

The recommendation was moved and seconded.

RESOLVED that, subject to receipt and consideration of outstanding consultation responses and any representations received, prior approval is granted for the installation of 18m high 5G telecommunication monopole with cabinet at base and associated ancillary works, subject to no development shall take place, including any works of demolition, until 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 and timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity

The meeting was adjourned at 19:20 and re-convened at 19:25.

86

**PLANNING APPLICATION NO. 19/1417/FUL - AMBULANCE STATION,
GLADSTONE ROAD, EXETER**

The Principal Project Manager (Development) (DC) presented the application for the demolition of existing buildings and re-development of site to provide co-living accommodation with associated accesses/egresses, landscaping and other external works.

The Principal Project Manager (Development), went through the site location plan, aerial views, and photographs of the existing site and its context with adjacent buildings.

The Principal Project Manager (Development) set out a detailed description of the application and highlighted:-

- co-living residential development of 133 studios;
- 27 studios to be affordable rented, equating to 20% in-line with National Planning Practice Guidance;
- the development would be car free except for deliveries and drop off/pick up;
- the proposals included a new pedestrian crossing on Gladstone Road;
- the developer had agreed to provide a £65,000 contribution towards a pedestrian/cycle crossing on Heavitree Road;
- there would be a reliance on existing public open spaces nearby to provide outdoor amenity and recreational space. The proposals included a £50,000 contribution towards upgrade and maintenance of Belmont Park;
- the Section 106 under the Town and Country Planning Act 1990 would also secure habitats mitigation of £114,247; and
- the development was sui generis and not CIL liable.

The Principal Project Manager (Development) went through the proposed site plan of the development detailing the proximity of the building to adjacent neighbouring buildings and to Gladstone Road, proposed accesses, proposed landscaping for the development, location of bin store and covered cycle store and the location of the proposed pedestrian crossing on Gladstone Road.

The Principal Project Manager (Development) in her presentation highlighted the following key elements of the application:-

- comparison between the previous flat roof scheme and the new pitched roof design;
- studio sizes from lower ground floor to third floor being on average 20 square metres, each studio being self-contained with a kitchenette, en-suite shower room, work space and wardrobe;
- floor layouts for each floor including a total of 409 square metres of communal areas providing work space and seating space, communal kitchen and communal dining area, laundry, games area, flexible events and social space. The majority of communal areas to be provided on the ground floor with some communal space also on the lower ground floor;
- the communal amenity space equating to 3.1 square metres per studio;
- the courtyard area providing outdoor amenity for the residents;
- a gated vehicular access from Gladstone Road for drop off and pick up purposes and deliveries;
- the accommodation to have a General Manager and a team to support the general running of the scheme. The Management Plan sets out that the site is likely to be staffed 8:00 am to 8:00 pm Monday to Friday with key times covered over the weekend, all tenants to have a contact number for out of hours emergencies.

The Principal Project Manager (Development) went through the scale, height, massing and detailed design and appearance of the building and its relationship with adjacent built development. A series of Computer Generated Images (CGI's) were shown of the proposed development from various viewpoints in the locality. The Principal Project Manager (Development) stated that officers consider that the development will have a neutral impact on the setting of adjacent conservation areas and a neutral impact on the setting of St. Lukes College.

The Principal Project Manager (Development) referred to sections of the Design and Access Statement and cross sections through the development and Sandford Walk properties in explaining how officers had considered the impacts on amenity of adjacent neighbours. The Principal Project Manager (Development) referred to the recommended conditions contained on the Update Sheet and stated that Condition 13 should be amended to also require the windows at second floor level lighting amenity and corridor area to be obscure glazed.

The Principal Project Manager (Development) stated that:-

- the proposal made effective use of a previously developed site;
- the site was in a sustainable, accessible location, close to the city centre;
- the principle of specialist housing development in this location was acceptable in principle;
- the development would assist the Council towards providing a five year supply of deliverable housing sites;
- this Build to Rent housing would provide 20% affordable private rent and the affordable housing would be prioritised for essential local workers;

- the development would improve pedestrian crossing facilities on Gladstone Road;
- a contribution would be made towards improving pedestrian/cycling crossing facilities at Gladstone Road/Heavitree Road junction;
- the quality of amenity provided within the development was acceptable; and
- taking into account the urban context of the site, the impacts on the amenity of surrounding properties were within acceptable limits.

The Principal Project Manager (Development) responded as follows to Members' queries:-

- the Council's Waste Collections Team had commented that the number of bins required for local authority collection was 7 x 1,100 litre refuse + 1 x 240 litre refuse and 7 x 1,100 litre recycling + 240 litre recycling, anything less to be under capacity and extra paid for collections would be needed. They had also commented that ideally the refuse lorry would be as near to the bin store as possible with the distance that bins have to be moved minimal and preferably direct. In response, the applicant has confirmed that the bin store would have capacity for 9 x 1,100 litre bins and waste collection for the scheme would be undertaken by private contractors who would be required to provide a more regular bin collections service and would include recycling;
- the access to the bin storage area would be via St Matthews Close and the access to the storage area would be gated and only accessible by the residents;
- the proposed development, if approved, would be a material planning consideration should the adjacent Police Station site be brought forward for re-development;
- the scale of building shown in the CGI of the proposed development with Atlas House in the foreground was, in the officer's view, a result of perspective when viewing the site from a distance further east along Heavitree Road;
- the position of the pedestrian crossing over Gladstone Road had been agreed with the Highway Authority. The crossing includes a refuge for pedestrians; and its detailed design is subject to a planning condition;
- a detailed sunlight and daylight assessment had been submitted by the applicant, the findings of which are considered in the officer report;
- the majority of windows in the scheme would be a minimum of 22 metres from the rear of Sandford Walk properties and privacy would be improved by the fact the new building would not run totally parallel to the Sandford Walk properties. The separation distances from the studio windows at second and third floor level on the northern elevation was not significantly greater than 22 metres and therefore a condition was considered necessary to require those windows to be partially obscure glazed at a low level to protect the privacy of neighbours on Sandford Walk;
- obscure glazing would also be provided for the windows in the north elevation of the corridor areas in the wings at first floor level and the windows lighting amenity space and corridor at second floor level; and
- given the separation distances and having regard to the urban nature of the locality, the visual outlook for residents was considered acceptable.

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

- despite its central location, Newtown is a close community village and the temporary nature of this adult only accommodation will fail to serve the housing needs of the community and not provide affordable family homes;
- the proposal is overbearing, would put a strain on outdoor spaces and be

- detrimental to the area's bio diversity;
- the on-site outdoor space is insufficient, residents will be reliant on community parks and green spaces and the suggested Section 106 payment will be insufficient to cover the additional demands on the parks. Belmont Park is extremely well used and the extra money will not meet the demands of 133 extra people using the park;
- Natural England state that this development falls within the zone of influence for the Exe Estuary and is likely to have a harmful effect on the Special Protection Area;
- the development will lead to the loss of a mature ash tree and an independent assessment of whether it has Ash Die Back is required. The Devon Ash Die Back Forum recommend that live, infected ash trees should not be felled unless for public safety and provide evidence that a small proportion of trees will be able to tolerate the disease and recover;
- the development will impact on the local residents of Sandford Walk and St. Matthews Close by introducing additional height and massing not in keeping with the character of the Victorian properties on Sandford Walk and not sympathetic to the local character of the Conversation Area. It will block light and overshadow neighbouring properties;
- Sandford Walk residents will lack winter sunlight requirements and St. Matthews Close residents will be looking out to a large expanse of brickwork;
- the wellbeing of the future residents of the development is a concern without any local or national guidance - co living is experimental and may not result in happy co-living communities;
- the communal spaces located on the ground floor may not be well used by those on the third or fourth floors. Consideration should be given to the impact any further lockdown will have on residents of this type of development because of the small size of living quarters with no outdoor space;
- overbearing development will have a negative impact on the local area, putting pressure on local green spaces and dwarf the homes of local residents, blocking light and impacting on their privacy. It would fail to efficiently use the existing brownfield site and also fails to provide the affordable family homes needed for Newtown.

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

- the ambulance station site is in the heart of Newtown representing the first step of likely significant development of the Heavitree Road corridor. The development is unsuitable, unsustainable and is a towering, oppressive block;
- the majority of rooms in the proposed co-living scheme fall below the national space standard for a 1 bed 1 person dwelling of 37 square metres - the room sizes of the studios vary between 18 and 42 square metres;
- the communal amenity areas on the ground floor do not compensate for the exceptionally small room sizes;
- 20% affordable housing provision falls short of this Council's policy of 35%;
- whilst there is a need to attract young professionals to come to the city and for graduates to stay, this is a one dimensional approach to a complex issue and will upset the local community in the process;
- scale and massing of the building is inappropriate. It is a huge development of 133 bedroom units, visually uninspiring, with no garden provision and offering minimal external areas;
- inappropriate relationship to the St. Luke's campus, a locally listed building;
- the development is not fully sympathetic to the local character and there is a potentially uncomfortable height relationship between the proposed building and the existing flats of Nos. 7-8 St. Matthews Close and the juxtaposition

between the buildings of lower height on Sandford Walk and St. Matthews Close;

- the ridge height of the main part of the building would be more than twice that of the terraced houses on Sandford Walk and fails to meet the minimum distance away. Residents have raised concerns about increased noise disturbance and anti-social behaviour. On site management is proposed between 8:00am and 8:00pm with an out of hours emergency number but the Police have requested a condition for 24-7 onsite management indefinitely as well as the vetting of potential tenants;
- lack of outdoor amenity space and the proposed courtyard will not meet the needs of the occupiers of 133 studios;
- there has been no further public consultation after the initial one over a year ago and no offer to meet on site to review and address issues;
- this Council has demonstrated an innovative and sustainable approach to solving the housing need in Exeter with its garden city vision but it is necessary to ensure a consistent message is sent to the community about suitable housing, first class design, sustainability and a positive contribution to the environment and the commitment to make Exeter carbon neutral by 2030. The application does not meet these standards and should be refused or deferred to re-consult with the Newtown community and seek a revised, higher quality development.

Dr Matthew Lockyear spoke against the application. He raised the following points:-

- a transient student population is not suitable for Newtown;
- there is a significant potential for noise nuisance and late night antisocial behaviour;
- height and scale of the building at six stories is unacceptable;
- the St Luke's building is an important heritage building and the proposed six story building is out of keeping with the rest of the buildings in the area;
- the "co-living" aspect is in name only and people will not want to live in a building with an 80% student occupancy;
- the average size of a dwelling falls considerably below residential amenity;
- as affordable co-living, this development is inadequate;
- the developer's daylight and sunlight report states that 15 % of the windows of Sandford Walk properties will suffer day-light reductions of up to 75% and 21% of the properties. Some gardens will receive less than two hours of sunlight per day due to overshadowing;
- windows of the development will look directly into gardens and lower floor and upper floor windows and severely affect residents' privacy;
- the Residential Design Guide states a minimum back to back distance should exceed 22 metres for buildings of different heights which is not met by this development being 10.5 metres in places;
- an independent report on the condition of the Ash Tree on Gladstone Road is required; and
- this oppressive, inappropriate and inadequate development should be refused for the people of Newtown and St Leonards and the whole of Exeter.

Iestyn John spoke in support of the application. He raised the following points:-

- is a carefully designed scheme with an extensive design process;
- will help meet acute need for housing for young people and key workers and vital to maintain jobs and skills needed in Exeter. It is a brownfield site suitable for a co-living use;
- scheme does not have a harmful relationship to adjoining houses in relation to

- privacy, overlooking and sun/daylight and is of a good design;
- the scheme complies with the newer Exeter Design Guide which ensures that schemes have a proper relationship with surroundings;
- outlook is satisfactory, as demonstrated by the scheme visualisations and is in a zone of transition between the more traditional housing in the east and the more modern and commercial character of Heavitree Road;
- as long established providers of multi-occupancy developments, Watkin Jones understand the needs of residents and the amount of communal space is acceptable; and
- the scheme represents a well-designed, well located proposal to provide much needed housing in the city centre aligning closely with the Council policy to provide affordable development. It will provide funding capital for the NHS.

He responded as follows to Members' queries:-

- independent research on the demand for this type of accommodation has been undertaken by Development Economics, who examined economic and labour market conditions, the characteristics of Exeter, evidence provided by the City Council and evidence across the UK. Exeter is considered to experience difficulty in retaining highly qualified young people in the city;
- tenancy arrangements would be a minimum tenure of three months including for key workers;
- there is a significant demand for this type of accommodation from a wide range of people particularly young professionals and is also likely to include graduates and post graduates as identified as a key requirement by Watkin Jones for this type of development. No particular target as breadth of market exists;
- the accommodation differs from Purpose Built Student Accommodation (PBSA) as it is 100% studio accommodation whereas PBSA can be a mix of studio and cluster rooms and it offers more substantial communal space with work space, breakout areas, games areas and communal dining and kitchens etc.; and
- it would be possible for couples to lease the rooms on any floor.

Members expressed the following views:-

- opposed to the scheme as previous PBSA schemes in Newtown have been closer to the city centre but this is in the residential area itself and is too near residential properties, including elderly residents;
 - 20% affordable housing is short of the Council policy;
 - inappropriate height reducing daylight and sunlight - building heights should complement the area;
 - height will also set a precedent for a tall building on the Police Station site;
 - it does not enhance the neighbourhood and has a significant negative impact on the quality of residents' life;
 - the "icon" Ash tree reduces traffic pollution and improves air quality;
 - building is too close to St. Matthews Close and Sandford Walk;
-
- proposal is suitable for this area of the city close to the centre;
 - the alternative would be a PBSA without an option for 20% affordable housing;
 - demand exists for this type of social, shared, sustainable, urban living;
 - contribution of £50,000 for Belmont Park welcome;
 - young people and key workers will welcome this opportunity and the inclusion of retail workers within the list of key workers is desirable;
 - proposal is a golden opportunity to provide housing for key workers such as

RD&E staff. The Housing Needs Survey confirms demand for good quality accommodation for young professionals and recent graduates;

- higher rise proposals contribute to housing need. There is no evidence to suggest that occupation will be limited to students;
- development of a brownfield site preferable to green areas and it offers a sustainable development close to supermarkets, the hospital and the city centre helping meet the Council's green agenda;
- widens the nature of housing provision in the Newtown neighbourhood;
- quality of Ash Tree indicates that it is unlikely to be retained;
- helps support those looking for temporary accommodation prior to selling and buying properties;
- city centre living represents a new phase in accommodation provision, a Co-living option offering both high density and high quality;
- a new type of city centre accommodation should be embraced, with the developer helping address housing provision in a new way; and
- it is a car free development on bus routes with no parking pressure in the neighbourhood.

The Principal Project Manager (Development) provided the National Planning Policy Framework definition of Essential Local Worker as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers' and advised that retail workers could be included if Members wanted to include these types of workers for this application. The Principal Project Manager (Development) also sought an amendment to the recommendation as set out in the Additional Information Update Sheet to grant delegated authority to the Service Lead City Development to make minor changes to the conditions, subject to prior consultation with the Chair, as the detailed wording of the conditions was being discussed with the developer.

The following proposals were moved as amendments, seconded and carried:-

- (a) delegated authority be granted to the Service Lead City Development, subject to prior consultation with the Chair, to finalise detailed wording of the conditions; and
- (b) with respect to the obligation for 20% of the dwellings to be affordable private rented with first priority to essential local workers, to add retail workers to the National Planning Policy Framework definition of Essential Local Worker.

RESOLVED that:-

- (1) the Service Lead City Development be authorised to **APPROVE** planning permission for the demolition of existing buildings and re-development of site to provide co-living accommodation with associated accesses/egresses, landscaping and other external works, subject to:
 - i. the completion of a Section106 Agreement under the Town and Country Planning Act 1990 to secure:-
 - Co-living Management Plan/Monitoring;
 - 20% of the dwellings within the co-living block will be affordable private rented with first priority to essential local workers, as defined in the National Planning Policy Framework and including retail workers. 5% of the affordable dwellings to be fitted out so they are wheelchair accessible;

- £114,247 habitats mitigation;
- £50,000 for maintenance/upgrade of off-site public open spaces;
- Management Plan to ensure no parking is associated with the development; and
- £65,000 contribution to improve the pedestrian/cycling crossing facilities at the Gladstone Road/Heavitree Road junction.

all Section 106 contributions should be index linked from the date of resolution.

- ii. the conditions below, subject to carrying out minor amendments to the wording as necessary subject to prior consultation with the Chair.

1. Standard Time Limit – Full Planning Permission

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 comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans and Documents

The development hereby permitted shall be carried out in complete accordance with the approved plans and documents listed below, unless modified by the other conditions of this consent:

- Site Location Plan (Dwg. No. 2407_350)
- Proposed Site Plan (Dwg. No.2407_358)
- Proposed Site Context Elevations – East South (Dwg. No. 2407_370 Rev B)
- Proposed Site Context Elevations – North & West (Dwg. No. 2407_371 Rev A)
- Proposed Lower Ground Floor Plan (Dwg. No. 2407_359 Rev A)
- Proposed Ground Floor Plan (Dwg. No. 2407_360 Rev A)
- Proposed First Floor Plan (Dwg. No. 2407_361 Rev A)
- Proposed Second Floor Plan (Dwg. No. 2407_362 Rev A)
- Proposed Third Floor Plan (Dwg. No. 2407_363 Rev A)
- Proposed Fourth Floor Plan (Dwg. No. 2407_364 Rev A)
- Proposed Roof Plan (Dwg. No. 2407_365 Rev A)
- Landscape Layout (Dwg. No. 101 Rev Q)
- Drainage Strategy Drawing 19252-JUBB-XX-00-DR-C-500 P7
- Addendum Daylight and Sunlight Report (Consil) dated 13 August 2020
- Air Quality Assessment (Redmore Environmental)(Reference 2879r5) dated 7 August 2020
- Supporting Statement (Arboricultural Appraisal by Advanced Arboriculture) dated 13 August 2020
- BREEAM Pre-Assessment Report Revision 0 (Consolux), 573/11.1, 13 August 2020
- Built Heritage Statement (RPS Group) V3 19 August 2020
- Construction Management Plan (The Watkin Jones Group) August 2020
- Management Plan (Fresh Property Group) 4 August 2020
- Co-Living Design Review (Manson), dated August 2020, REV C
- Planning Statement (Bell Cornwell)(9277) August 2020
- Archaeological Desk Based Assessment (RPS) 4 August 2020

- Design and Access Statement Rev B (Manson), dated August 2020
- Drainage Strategy (Jubb) Technical Note 02-Rev C, 7 August 2020
- Ecological Appraisal (Bowland Ecology) 4 August 2020
- Energy and Sustainability Concept Statement (Consolux Sustainability Ltd)(reference 573/4.2), August 2020, Revision 4
- Flood Statement (Jubb) (TN01 Rev B) dated 7 August 2020
- Ground Investigation Report (Tier Environmental Ltd), Issue 1.5, TL1196GIR, dated 5 August 2020
- Landscape Design Statement (TPM), August 2020
- Ambient Noise and Building Envelope Assessment (PDA) Revision 5, dated 3 August 2020
- Preliminary Risk Assessment Report (Tier Environmental Ltd) dated 5 August 2020, reference TE1 151 PRA, issue number 1.2
- Transport Statement (ADL Traffic and Highways Engineering Ltd), Issue 3, 7 August 2020, report ref: CW/J002573/3902/05
- Framework Travel Plan (ADL Traffic and Highways Engineering Ltd), Issue 3, 7 August 2020
- Unexploded Ordnance Risk Assessment (report ref.: DA8603-00, date: 5th May 2019)

Reason: To ensure the development is constructed in accordance with the approved plans and documents, unless modified by the other conditions of this permission.

3. Unexploded Ordnance Risk Assessment

The mitigation measures recommended in 1st Line Defence Limited's Detailed Unexploded Ordnance Risk Assessment (report ref.: DA8603-00, date: 5th May 2019) shall be implemented in full.

Reason: In the interests of safety to ensure that construction works take place in accordance with the recommendations contained in the Unexploded Ordnance Risk Assessment.

Pre-commencement Details

4. Programme of Archaeological Work

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.

5. Surface Water Drainage Management System

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority:

- a) A detailed drainage design based upon the approved Drainage Strategy Drawing 19252-JUBB-XX-00-DR-C-500 P7.

- b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - d) A plan indicating how exceedance flows will be safely managed at the site.
- The development shall not be occupied until the works approved under a) to d) above have been implemented in accordance with the approved details under a) - d).

Reason: To ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG and Policy CP12 of the Core Strategy, Policy EN4 of the Exeter Local Plan First Review. These details are required pre-commencement as specified to ensure that appropriate surface water drainage management systems are in place during the demolition/construction phases and after the development has been completed, and that these systems will be properly maintained to prevent adverse risk to the environment.

6. Noise Impact Assessment

Prior to commencement of the development, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority. This report shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as noise from deliveries, residents and events. If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.

Reason: In the interests of the amenity of the occupants of neighbouring dwellings. This information is required before development commences to ensure that any necessary noise mitigation measures are considered and addressed at the appropriate stage.

7. Contamination

No development (other than demolition) shall take place until a full site investigation and remediation strategy has been submitted to, and approved in writing by, the Local Planning Authority. The site investigation and remediation strategy shall determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary to bring the land to a standard suitable for the proposed development. The building(s) shall not be occupied until the approved remedial works have been implemented and a verification report has been submitted to and approved in writing by 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. Construction Method Statement

No demolition or 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 site access point(s) of all vehicles to the site during the demolition and construction phases.
- b) The parking of vehicles of site operatives and visitors during the demolition and construction phases.
- c) The areas for loading and unloading plant and materials during the demolition and construction phases.
- d) Storage areas of plant and materials during the demolition and construction phases.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during the demolition and construction phases.
- h) No burning on site during the demolition and construction phases, or site preparation works.
- i) Strategy to measure and minimise noise/vibration nuisance to neighbours from plant and machinery during the demolition and construction phases.
- j) Demolition/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.
- k) Measures to minimise the impact on the adjacent footpath
- l) Timings of the proposed works
- m) No driven piling without prior consent from the Local Planning Authority.

The approved document shall be strictly adhered to throughout the demolition and construction phases of the development.

Reason: To ensure that the demolition and construction works are carried out in an appropriate manner to minimise the impact on the amenity of the properties in the neighbourhood and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that a plan is in place to ensure that the development works are carried out in an appropriate manner.

9. Waste Audit Statement

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: 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 demolition and construction is managed sustainably.

10. Co-Living Energy Performance

Before commencement of construction of the superstructure of the co-living accommodation block 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 the building the developer will submit a report to the Local Planning Authority 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 Policy CP15 of the Core Strategy. These details are required pre-commencement as specified to ensure that the requirements of Policy CP15 are met and the measures are included in the construction of the building.

Pre-Tree & Vegetation Clearance Works

11. Bird Nesting Season

No tree works or felling, or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If nesting birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

Reason: To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review, and paragraphs 174 and 175 of the NPPF.

Pre-Specific Works

12. Materials

Prior to the construction of the Co-Living accommodation block (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

Reason: In the interests of good design and the character of the area, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

13. Obscured Glazing

Prior to the construction of the Co-Living accommodation block (not including the foundations), details of the provision of obscured glazing on the north elevation of the building shall be submitted to and approved in writing by the Local Planning Authority. This shall include the windows of the corridor areas in the wings at first floor level (which shall be fully obscured and shall be permanently fixed closed) and the windows of the studios at second and third floor levels, which shall be partially obscured at a low level. The details shall include the level of obscurity of the glazing. The details shall be implemented as approved and maintained at all times thereafter.

Reason: To protect the privacy of neighbouring properties in accordance with saved Policy DG4 of the Exeter Local Plan First Review

14. Integral Bird Boxes

Prior to the construction of the Co-Living accommodation block (not including the foundations), details of the provision for nesting birds in the built fabric of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with Policy CP17 of the Core Strategy, the Residential Design Guide SPD (Appendix 2) and paragraph 175 of the NPPF.

15. External Lighting Scheme

No external lighting shall be installed on the site or on the building hereby permitted unless details of the lighting have previously been 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 protect the amenities of the area and wildlife in accordance with Policy CP17 of the Core Strategy, saved Policies DG1 and DG4 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

Pre-occupation

16. Ambient Noise & Building Envelope Assessment

Prior to the occupation of the development hereby permitted, the recommended standards for the glazing, ventilation and building façade elements set out in Philip Dunbavin Acoustics Ltd.'s Ambient Noise & Building Envelope Assessment (report ref: CW/J002573/3902/05, date: 03 August 2020,) shall be implemented in full. The measures shall be maintained thereafter unless alternative noise mitigation measures are implemented in accordance with details submitted to and approved in writing by the Local Planning Authority, which will be maintained thereafter.

Reason: In the interests of the amenity of the occupiers of the development.

17. CCTV

Prior to the occupation of the development hereby permitted, a strategy for the distribution and management of CCTV on the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location and design of CCTV cameras, which should be integrated in an unobtrusive manner. The strategy shall be implemented as approved.

Reason: In order to help prevent/detect crime, disorder and anti-social behaviour in accordance with the advice of the Police Designing Out Crime Officer and saved Policy DG7 of the Exeter Local Plan First Review.

18. Gladstone Road Highway Works

Prior to the occupation of the development hereby permitted, the proposed highway works on Gladstone Road (new vehicular access point, reinstatement of the redundant access point, and pedestrian crossing with refuge), as indicated on drawing number 2407_360 Rev A (Proposed Ground Floor Plan), shall have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To provide a safe and suitable access for vehicles, pedestrians and cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

19. St Matthews Close Highway Works

No part of the development shall be occupied until the proposed highway works on St Matthews Close (pedestrian and cycle access points), as indicated on drawing number 2407_360 Rev A (Proposed Ground Floor Plan), have been provided in accordance with details that shall previously have been submitted to and approved

in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To provide a safe and suitable access for pedestrians and cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

20. Cycle Parking

The Co-Living accommodation block shall not be occupied until secure cycle parking for the residents of the building has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The secure cycle parking shall be maintained at all times thereafter.

Reason: To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

21. Travel Plan

Prior to occupation of the development hereby permitted, a travel plan (including recommendations and arrangements for monitoring and review) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

Reason: To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review.

22. Travel Pack

Prior to occupation of the development hereby permitted, a travel pack shall be provided informing all residents and staff of the car free status of the development, and the walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car clubs and electric bike hire facilities available, the form and content of which will have previously been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To ensure that all residents and staff of the development are aware of its car free status and the available sustainable travel options.

23. Bin Store

The Co-Living accommodation block shall not be occupied until a bin store for the residents of the building has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that bin storage is provided for the development in the interests of good design and residential amenity.

24. Detailed Landscaping Scheme

Prior to the occupation of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments and signage. The plan shall specify tree/plant species and methods of planting, including tree pit details. The hard landscaping shall be constructed as approved prior to the occupation of the development. The soft landscaping shall be planted in the first planting season following the occupation of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of good design in accordance with saved Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF (February 2019).

25. District Heating Network

The buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the local decentralised energy district heating network. Prior to occupation of the development, the necessary on site infrastructure (including pipework, plant and machinery) for connection of those systems to the network in a manner agreed in writing by the LPA shall be put in place.

Reason: To ensure that the proposal complies with Policy CP13 of the Council's Adopted Core Strategy and paragraph 153 of the NPPF, and in the interests of delivering sustainable development.

Post Occupancy

26. Co-Living Communal Spaces

The communal areas, communal kitchen/dining space, amenity space, work space, games area, flexible events and social space within the Co-Living accommodation block, as shown on the approved floor plans, and the external courtyard to the north of the building shall be used for communal use by all the residents of the Co-Living accommodation block only and shall not be sub-divided in any way to create additional private bedrooms/spaces.

Reason: To ensure sufficient communal space is available for the residents of the Co-Living accommodation block in the interests of residential amenity.

27. Waste and Recycling Bins

No waste or recycling bins or containers shall be stored outside the bin store of the development hereby approved except upon the day(s) of collection.

Reason: In the interests of the amenity of the neighbourhood.

- 2) the Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 16 May 2021 or such extended time as agreed by the Service Lead City Development for the reasons set out below:-

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:-

- Co-living Management Plan/Monitoring;
- 20% of the dwellings within the co-living block will be affordable private rented with first priority to essential local workers, as defined in the National Planning Policy Framework and including retail workers. 5% of the affordable dwellings to be fitted out so they are wheelchair accessible;
- £114,247 habitats mitigation;
- £50,000 for maintenance/upgrade of off-site public open spaces;

- Management Plan to ensure no parking is associated with the development;
- £65,000 contribution to improve the pedestrian/cycling crossing facilities at the Gladstone Road/Heavitree Road junction; and

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, and 10, and policies CP5, CP7, CP9, CP10, CP17 and CP18, Exeter Local Plan First Review 1995-2011 saved policies, L4, T1, C5, LS2, and DS1, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

87

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director was submitted.

RESOLVED that the report be noted.

88

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(The meeting commenced at 5.30 pm and closed at 9.07 pm)

Chair

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LICENSING COMMITTEE

27 October 2020

Present:

Councillor Keith Owen (Chair)
Councillors Buswell, Branston, Henson, D, Newby, Quance, Vizard, Warwick, Wood and Wright

Apologies:

Councillor Mitchell, K

Also present:

Service Lead - Environmental Health & Community Safety, Legal Advisor, Principal Licensing Officer, Democratic Services Officer (MD) and Democratic Services Officer (HB)

14 **Minutes**

The minutes of the meeting held on 14 July 2020 were taken as read and approved for signing as correct by the Chair at the earliest possible convenience.

15 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

16 **The Statutory Taxi and Private Hire Vehicle Standards**

The Service Lead - Environmental Health and Community Safety presented the report on the Statutory Taxi and Private Hire Vehicle Standards, which provided Members with an overview of the of the recently published document, issued by the Department for Transport (DfT) and for Members to consider the proposed requirements of the document. It was highlighted that the standards set out provided a range of measures to protect taxi passengers, most notably the more vulnerable, to ensure public safety.

Particular reference was made to the Section 177(1) of the Policing and Crime Act 2017, which required Local Authorities to address and consider the proposed individual changes. Should the Licensing Committee be minded to reject the proposals, Central Government could impose a national legislation.

The Service Lead - Environmental Health and Community Safety commented on the measures outlined in the report, highlighting that the requirement for Private Hire Operators to conduct DBS checks for Call Handlers and Dispatchers would commence in February 2022 to allow appropriate time for taxi operators to implement the required changes.

The Service Lead - Environmental Health and Community Safety made reference to the following three categories of recommendations:-

- elements stipulated which the Council had already achieved such as sharing information, changes to the application form to declare previous convictions and refusals by other authorities, a full list being set out in Appendix A
- measures to adopt because of gaps in the current policy and detailed in the recommendations with varying timescales to provide the trade time to implement such as moving to an automatic updating system on the disclosure and barring system (DBS) administered by the Council, and the need for private hire operators to adopt a policy on relevance of conviction to cover its call handling staff.
- elements to give further consideration such as a points based system for disciplinary matters, the extension of mandatory CCTV to private hire vehicles, and training for the trade, these measures to be progressed through a working group via the Taxi Forum

In response to questions raised by the Licensing Committee Members, the Service Lead - Environmental Health and Community Safety explained:-

- CCTV provision had been a mandatory condition in respect of Hackney Carriage vehicles since 2017. Private Hire Vehicles operated under a different legislation, and currently had no condition requiring CCTV. This would be progressed through the working group including other aspects such as voice recording.
- the measures outlined in the report would be monitored for progress of implementation through regular engagement. The Licensing Authority would provide guidance and, where needed, regular reminders to ensure the measures are put into operation. Regular inspection of operators and their staff would be undertaken to ensure compliance and the onus was on individual operators to achieve compliance;
- only a basic, rather than an enhanced DBS Check, could be required under Department of Transport statutory standards for operators although some 80% held drivers licences and were therefore required to produce enhanced DBS checks. The enhanced check include additional “soft” information provided by the Police such as investigations;
- the timescale for operators to comply had been discussed at the recent Taxi Forum meeting;

Member’s attention was given to the requirement for both Taxi Operators, Members and Officers to attend mandatory Safeguarding, Equality and Diversity training, to ensure the standards were of the highest level. Members would be invited to a training session in November 2020. If Members did not attend the training, they would be ineligible to attend a Licensing Sub Committee, as well as leaving the Council open to legal challenge.

Members thanks the officers for the report.

The Chair moved amended wordings to the recommendations:-

- (2.3) - that the Licensing Committee consider and approve the following changes to the Hackney Carriage and Private Hire Policy; and
- (2.4) - The Licensing Committee consider and approves setting up a working group through the taxi forum to start meeting in 2021 to consider:

It was explained that the reason for the amendment to the wording was for clarification that Licensing Committee had both considered and approved the recommendations. The Chair moved and was seconded by Councillor Newby to amend the wording of recommendations, 2.3 and 2.4 in the report which was voted upon and carried unanimously.

RESOLVED that:-

- (1) the content of the statutory standards be noted;
- (2) the next review date of the Hackney Carriage and Private Hire Policy be set for October 2025;
- (3) the following changes be approved for the Hackney Carriage and Private Hire Policy:-
 - (a) Appendix E be amended to state that 'no licence will be issued to any individual that appears on either the children or adult barred lists;
 - (b) Appendix L be amended to require a basic disclosure from the DBS and that a check is undertaken annually for private hire operators, coming into effect for all new applications and renewals from February 2021 and all existing operators by 1 January 2022;
 - (c) Appendix L be amended to require Private Hire Operators to hold a register of all the staff that will take bookings or dispatch vehicles to come into effect for all operators from 1 January 2022;
 - (d) Appendix L(2) be expanded to require Private Hire Operators to collect the following information as part of their records from 1 January 2022:-
 - The name of the driver;
 - The name of any individual that responded to the booking request; and
 - The name of any individual that dispatched the vehicle
 - (e) Appendix L be amended to require Private Hire Operators to conduct DBS checks on all call handling and dispatching staff as well as to have a policy on employing ex-offenders. All records must also be made available to the Licensing Authority upon request and come into effect for all operators from 1 January 2022; and
 - (f) Section 4.5 along with Appendices B, L and P be amended requiring all drivers and operators' applications and renewals be conducted through the update service, in effect from 1 February 2021; and
- (4) a working group be established through the Taxi Forum to commence in 2021 to consider the following matters:-
 - (a) Reviewing the disciplinary process and address the feasibility of a points-based system being added to the policy; and
 - (b) Looking at further quality standards for both Hackney Carriage and Private Hire vehicles to consider such matters as CCTV, vehicle emissions, consumer safety and identification and training.

17 Licensing Fees and Charges Update to Animal Licence Fees

The Principal Licensing Officer presented the report on the Animal Licensing Fees and Charges, which sought approval for the proposed amendments to the fee structure for animal licensing in Exeter from 1st January 2021. He highlighted the statutory principle to the setting of fees was that they be reasonable and relate to the costs of performing the function and that recommendations would ensure Exeter City Council complied with the European Services Directive (2006/123/EC)

Particular reference was made to the changes brought in by DEFRA, which included a new scoring Matrix, which had been in use by Exeter City Council for several years, which provided an estimation of the costs involved. The costs had been split into

Parts A and B, where part A would cover the majority of the costs for the more lengthy inspections. Members noted that, as part of the fee re-structure detailed in the report, a new section for dog, day care venues had also been included.

RESOLVED: that the Licensing Committee approve the fees for the period from 1 January 2021 to 31 March 2021, as contained in Appendix A of the report presented at the meeting.

The meeting commenced at 5.30 pm and closed at 6.09 pm

Chair

DRAFT

LICENSING COMMITTEE

30 November 2020

Present:

Councillor Keith Owen (Chair)

Councillors Buswell, Branston, Henson, D, Mitchell, K, Oliver, Vizard, Warwick, Wood and Wright

Apologies:

Councillor Quance

Also present:

Service Lead - Environmental Health & Community Safety, Legal Advisor, Principal Licensing Officer, Democratic Services Officer (MD) and Democratic Services Officer (HB)

18 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

19 **Amendment to Street Trading Policy and Terms of Reference for the Licensing Sub-Committee**

The Service Lead - Environmental Health and Community Safety presented the report which sought approval to amend the Street Trading Policy, for commencement from 1 January 2021. The report would also be presented to Executive on 1 December 2020, to amend the Terms of Reference for the Licensing Sub-Committee for Council approval.

The proposed policy amendment in conjunction with proposed changes to the Council Constitution would delegate authority to the Licensing Sub Committee to determine street trading applications.

RECOMMENDED that Council: -

- (1) approve the amendment to the Street Trading Policy, to commence from the 1 January 2021, to read as follows: -
 - All relevant representations relating to the grant of a consent will be referred to the Licensing Sub-Committee hearing the application, for consideration as part of the determination.
- (2) support the proposed amendment to the Council's Constitution Terms of Reference for the Licensing Sub-Committee: -
 - To determine whether to grant or refuse a street trading consent.

20 **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 for the consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

21 Application for Consent to Street Trade in at Duckes Meadow and Clapperbrook Bridge Car Park

The Chair introduced the Committee. The Solicitor set out the procedure, the Council's policy and the requirements under the Local Government (Miscellaneous Provisions) Act 1982.

The Principal Licensing Officer, presented the report which advised the Committee that the Applicant was seeking approval to engage in street trading at locations Ducks Meadow and Clapperbrook Bridge Car Park, Exeter. The Applicant had applied for a 12-month licence to sell hot drinks, cold drinks, cakes and pastries and had applied for a consent to trade Monday to Saturday between 08:00 and 14:00 hours.

The Applicant had submitted a location map of the area they sought to trade at and photographs of a proposed purpose-built food van. Members noted that Devon County Highways had been notified of the application and that no comments had been received. A food hygiene rating visit had not yet been undertaken. The Estates section of the City Council had made no objection to the occupation of the sites which were on City Council owned land.

The Applicant was in attendance and spoke in support of the application, stating that:-

- because of the Covid pandemic, Spoonbill Café Ltd. were unable to attend events and festivals and had commenced trading at Topsham Rugby Club which had been well received locally and on social media and, as a result, had identified Ducks Meadow and Clapperbrook Bridge Car Park as additional areas from which to trade;
- both locations benefited from good footfall being popular with walkers, cyclists and dog walkers and the unit would fit well in to the natural environment;
- the van comprised a dual-fuel facility rather than a noisy generator, a fridge to store milk etc., a sink, sanitisers with hot water available for cleaning;
- in respect of the proposed conditions, all litter would be disposed of, there would be no flyposting, use of A boards or single use plastics and local produce would be used;
- liaison would occur with the Environment Agency as necessary regarding any environmental/conservation work identified; and
- the Applicant thanked Members for the opportunity to address the Committee.

In response to questions from Members, the Applicant detailed the precise location of the two sites and advised: -

- a dual-fuel facility was an espresso coffee machine both gas and battery powered with only a limited use of gas to warm the coffee and with the batteries providing the necessary power;
- the company used Fairtrade coffee sourced from South American farms; and

- the practice in respect of social distancing at Topsham Rugby Club had been to advise the public when necessary to maintain their distance. In addition, the coffee etc. was left on a small shelf to avoid direct contact with customers with payment via card and sanitisers available for public use. Both proposed new locations benefitted from wide open spaces.

RESOLVED that the application be approved with the following conditions:

- (a) all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 be included in the consent;
- (b) the consent holder will provide a bin for customer use and will ensure that any rubbish in the vicinity (within 100 metres of the business), emanating from the business is cleared away at regular intervals;
- (c) the use of A boards and flags be prohibited;
- (d) the consent holder will not conduct fly posting;
- (e) in the event that issues do arise from this consent, then this consent may be revoked by the Service Lead - Environmental Health and Community Safety in consultation with the Chair of the Licensing Committee; and
- (f) in line with the Council's resolution of 24th April 2018, any cutlery, food/ drink containers, and drinking straws used should not be made from single use plastics.

The meeting commenced at 5.30 pm and closed at 6.05 pm

Chair

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STRATEGIC SCRUTINY COMMITTEE
HELD AS A VIRTUAL MEETING

19 November 2020

Present:

Councillor Luke Sills (Chair)

Councillors Newby, Atkinson, Buswell, Hannaford, Henson, D, Moore, D, Moore, J, Owen and Packham

Also present:

Director City Development, Housing & Supporting People, Director Net Zero Exeter & City Management, Director Comms, Culture & Leisure Facilities, Director Finance, Corporate Manager Democratic and Civic Support, Service Lead - Environmental Health & Community Safety, Democratic Services Officer (SLS) and Democratic Services Officer (MD)

In attendance:

Councillor Philip Bialyk	- Leader
Councillor Rachel Sutton	- Deputy Leader and Portfolio Holder for Net Zero Exeter 2030
Councillor Bob Foale	- Portfolio Holder for Transformation & Environment
Councillor Emma Morse	- Portfolio Holder for City Development

23 Minutes

The minutes of the meeting of the Strategic Scrutiny Committee held on 24 September 2020 were taken as read, approved as correct, for signing by the Chair at the earliest possible convenience.

24 Declaration of Interest

No declaration of interest was made by a Member.

25 Questions from Members of the Public Under Standing Order 19

In accordance with Standing Order 19, a member of the public, Mr P Cleasby submitted the following question on the Local Industrial Strategy:-

What progress has the Council made in attracting funds in response to each of the funding requests set out in the Exeter Local Industrial Strategy?

The Council Leader, Councillor Bialyk offered the following response and explained that the clear steer from the Department for Business, Energy & Industrial Strategy (BEIS) officials, following publication of the Exeter Industrial Strategy (EIS), was that Whitehall would expect the formal Industrial Strategy to be on the same geography as the Local Enterprise Partnership (LEP) and include Devon, Somerset, Plymouth and Torbay. The Exeter Industrial Strategy has been used to inform the production of the Heart of the South West Local Industrial Strategy with its focus on clean growth and Exeter's opportunity based on data and climate and environmental sciences. Having encouraged

the Heart of the South West Councils and LEP to produce an Industrial strategy for consideration by the previous Government, we have still not heard back from Government on whether the draft Industrial Strategy has been accepted.

Funding has been secured by Exeter College as part of a hub and spoke proposal for digital, to be known as the South West Institute of Technology, with the hub being based at Exeter. The skills escalator has been widely discussed and may well have supported the successful bid by the College. Funding has been secured from the Cabinet Office and the One Public Estate to produce a business case for a sustainable development fund. Funding continues to be secured by the Exeter Science Park to support the provision of new accommodation. There has been no success with the Institute of Environmental Risk, or in relation to Sparx (an Exeter based educational technology company) and Exeter City Futures. However, since the publication of the Exeter Industrial Strategy, Sparx has secured major private sector investment and it has been rolled out to many more schools in this country and abroad. In short, we have done a lot of work as a city and region to support the industrial strategy but we still await the publication by Government and funding has been secured from Government and this has been administered through programmes administered by the LEP and/or Devon County Council, and the case with the One Public Estate.

Mr Cleasby did not ask a supplementary question, but he agreed that this was all very encouraging and he thanked the Leader for the response. He looked forward to the Heart of the South West LEP publishing their plans soon.

The Leader referred to his membership of the Heart of the South West LEP Board, representing the Devon district authorities who had been pushing for the publication of the plans which he considered would be unifying. It was disappointing that in view of the delays to the devolution discussion, the plans had also been set aside for the duration of this Parliament. He confirmed that this authority was looking at other opportunities to draw down funding for important projects in our city and also the greater city region. He welcomed Mr Cleasby's question and suggested there was always the opportunity to ask such a question in the public section of the next meeting of the LEP Board.

26 **Presentation on Covid-19 by Portfolio Holders and Questions from Members and Answers on Covid Recovery**

The Chair introduced the four Portfolio Holders who reported to this Scrutiny Committee, to present their respective briefing updates with a focus on the Council's Covid-19 recovery stage.

Questions from Members submitted in advance of the meeting, with the answers given at the meeting, together with the supplementary questions and answers made at the meeting, are set out below for each Portfolio.

The Council Leader, Councillor Bialyk in presenting his briefing note highlighted the following:-

- Build Back Better Project, which was the subject of a report that went to Executive on 3 November and will be presented to Council in December; and
- the latter part of the update which demonstrated his involvement in the recovery of the city with a number of strategic and internal meetings.

Questions from Committee Members

1. **Councillor D Moore - Liveable Exeter Transformational Housing Programme:**

When will the approach for engagement and involvement of the community at an early stage, and the strategies for continued community engagement and involvement be published?

The Leader confirmed that high-level city engagement in relation to the Liveable Exeter programme was originally planned to have continued over the course of the past months, however Covid-19 has impacted significantly in terms of this engagement and several planned engagement opportunities have been postponed. Liveable Exeter has, nonetheless, sought to support several initiatives which have been developed during Covid-19 and a website for Liveable Exeter now exists to provide residents with more insight into the programme, its aims and ambitions. This website platform will continue to develop in the coming months and it is expected that this will become a key platform through which to engage residents and communities – especially whilst the effects of Covid-19 remain.

In terms of future events, it is worth stressing that Liveable Exeter is a complex, dynamic and long-term programme made up of several work streams and projects. A 'one size fits all' approach to engagement would therefore not be appropriate and project level engagement will be tailored to relate to specific projects and work streams. This means that engagement will be undertaken at a time, and in a means, which is most appropriate in terms of both engaging residents and in supporting the delivery of the programme. There is therefore no intention to publish a programme of engagement relating to the Liveable Exeter programme at this time.

Supplementary question and response.

Councillor Moore thanked the Leader and referred to the high level engagement and the prospectus of the Garden City Programme and referred to the proposals and whether the local community is being or will be engaged at an early stage. It was clear that in respect of community, both in terms of current and the future that residents must have a meaningful say in developing the proposals from design to delivery to constructively contribute to the future of the city. Whilst appreciating the impact of Covid-19, which has made it more difficult to engage communities, she asked the Leader to bring forward those plans and let Members know when those proposals would be coming forward.

Members should be reassured that there was every intention to engage the community and residents of Exeter. He was quite keen to commence with some form of engagement, although he could not be specific at this stage. Liveable Exeter would change many parts of the city, and in order to deliver 12,000 homes, we would in effect be going upwards as opposed to sideways. He referred to the commitment made to maintain the city's green and open spaces and he cited Northbrook and Bull Meadow and part of the Clifton Hill site as examples and of their work with the Devon Wildlife Trust. It was important to start the debate, establish the direction and be able to work together to understand what was needed on a site by site basis. He was keen to engage, come together as a city, to maintain job and graduate retention and ensure our children could have a ready supply of homes. He reiterated that he had every intention to engage the community in order that we could work together to do the right thing.

The Portfolio Holder for Transformation and Environment, Councillor Bob Foale in presenting his briefing note highlighted the following:-

- the main focus over the last few months of working with the Director of Finance and Section 151 Officer on the Medium Term Financial Plan to address the savings needed of over £4m in the next year, and

- a number of meetings had been held with the Director Net Zero Exeter & City Management and the Service Lead - Environmental Health and Community Safety to discuss enforcement and car parking.

Questions from Committee Members

- 1. Councillor K Owen** - *Your portfolio holder's report refers to continuing partnership working with Exeter University and the Police. Have there been recent discussions with these two partners about CCTV provision on the edge of the University campus? The Registrar of the University has indicated his willingness to engage in such discussions following a representation made to him by local residents.*

Councillor Foale advised that this area was outside of the fibre optic network on which our CCTV system operates and therefore the costs of connecting any additional cameras would be extremely large. Once the CCTV system is upgraded, it may be possible to connect additional cameras but there would be ongoing data charges. Any cameras if placed now would have to be stand alone or managed by others.

Supplementary question and answer.

Given that highway land is also relevant to this issue, is it the intention to include the County Council in these discussions?

The County Council would be included in any discussions that may take place, particularly as they have some funding streams that could be made available. We continue to look at the Council's £4m deficit, and concern how that will be made up, CCTV is highly desirable, but expensive as well and it is hoped that, because of the expense of installing CCTV equipment, the County Council might be able to help fund any installations considered necessary.

- 2. Councillor J Moore** - *What are the options being considered to bring car parking income back up to previous levels and how do these align with our 2030 carbon neutral commitment?*

A range of options are being considered including tariff changes and dynamic charging aimed at discouraging entering the city during the main busy periods and encouraging people to make fewer but longer visits to the city centre. However until the pandemic stabilises it is impossible to say if these will have the desired effect.

Supplementary question and response

Can the Portfolio Holder explain how the tariff charges will work?

Comparisons have been made with similar charges from comparable compact cities with similar economies to Exeter such as Bath and Chester to see what they were doing. A range of options could be available including:-

- a straight increase which could be too simplistic an option;
- a staggered increase according to distance and historical usage; and
- scope for the introduction of weekly or monthly parking tickets being more widely available.

However, it will be difficult to recoup the level of income currently being lost during the pandemic.

3. Councillor D Moore - *In-sourcing of Leisure: What is the outcome of the VAT review and will this lead to an increase cost for users; and, for how long is the 'membership only' use expected to continue for?*

The VAT implications are still being finalised and are complex in nature. Once the work has been completed the Section 151 Officer will set out the implications for Leisure to Members.

Supplementary question and response

When do you expect the outcome and will it be before the end of this lockdown period, and will there be any spaces for single uses of the leisure services, particularly as there is a demand for swimming to be used as one off sessions as it was important that this issue was clarified as soon as possible?

It will be completed as soon as the Section 151 Officer sets out all the implications. It is hoped that there will not be an increase in costs for users. He was delighted the service had come back in-house and the facilities would be improved, but it was in the hands of the Section 151 Officer as to when he completes his report.

The Deputy Leader and Portfolio Holder for Net Zero Exeter 2030 Councillor Rachel Sutton in presenting her briefing note highlighted the following:-

- a significant piece of the update related to Exeter City Futures (ECF) and the collaboration that was taking place between ECF, the City Council and the University of Exeter along with addressing low carbon construction and retrofitting and the development of the skills agenda. In the last couple of days there had been more Government attention on Kickstart and she welcomed a question and opportunity to respond on this subject, as well as talking about digital skills, which was a key ask of the Council's recovery plan;
- the focus of Building Greater Exeter had changed with a number of assets being used to support schools and promote careers in construction, with virtual events, YouTube and shared videos and an education hub, and
- meetings of the Devon Wide Climate Emergency Response Group and the Net Zero Task Force have continued, as those groups have sought to ensure that these plans have recovery embedded from the start. The consultation on the Devon carbon plans was due to start very shortly and that will run into January.

Questions from Committee Members

1. Councillor J Moore - *I joined one of the Exeter City Futures open conversations and it was great to hear about the work of different groups across the city to protect and promote our green spaces. It felt very much like an introduction without time in the meeting to discuss future actions or collaboration. I'm not sure if this was the same for the other conversations. Did any plans for future actions come out of the conversations? Is there the possibility for further meetings for each conversation area with a focus on collaboration and future actions?*

Councillor Sutton referred to a couple of open conversations and had found them very engaging. Details of the discussions from the day have been uploaded onto <https://www.exetercityfutures.com/greening-wrapup/> Contact details have been added to each speaker under The Ask – to encourage participants to engage direct with speakers in potential opportunities or innovative collaborations.

She also offered more detail of the Exeter City Futures Connect Events which provide an open platform, bringing together residents, communities, local businesses, charities and city stakeholders to listen and support community-initiated projects that help Exeter work towards its ambition to be carbon neutral by 2030. The events currently take place online, starting with five minute pitches and moving to tabling breakout rooms where presenters can take questions and hold discussion about their projects, it is hoped this format offers a creative and collaborative environment and fosters a vibrant community of Exeter change makers.

Usually, the Connect Events offer the opportunity for those sharing details of their community-led projects to follow up their presentations with discussions around their 'ask' (what they need from those in the room to help progress their projects) with the audience in breakout rooms. This provides some opportunity for the projects to connect with people and resource, stimulate collaboration, and inspire others to devise similar projects on the same evening. However, the Greening the City Connect event more time was given to the presentations, which meant we did not get into the breakout rooms.

These events are supported by the National Lottery Community Fund.

Exeter City Futures has recently launched an online community to aid discussion and collaboration for those in the city wanting to be a part of Exeter's progress towards net zero: [Exeter Net Zero Journey Slack](#)

As ever, Exeter City Futures were happy to explore how the team can further facilitate the chance to form collaborations, develop action plans, and connect people and ideas where they positively impact on Exeter's ambitions to become a carbon neutral city. We continue to meet with community groups, businesses, academics and others keen to find out how Exeter City Futures can support their net zero plans, and enable connections to people, resource and ideas wherever possible.

If Councillor Moore or any other Member or member of the public required any further details, or wished to discuss the response, Exeter City Futures would be happy to set up a meeting. Councillor Sutton encouraged Members to take advantage of that offer.

- 2. Councillor D Moore - Net Zero Exeter: Does the work with the university cover how the carbon emissions from both the city's development and the recovery plan will be offset over the next ten years, if not who and when will this be addressed?**

The work with the University is to prepare a carbon action plan for Exeter City Council. The scope of this Carbon Action plan is currently being developed in conjunction with the University, but Councillor Moore was right to talk about moving forward and projected growth would be considered as part of this work.

Supplementary question and response

Whether the projected growth would be for the whole city and would that be the action plan for the City Council and would that be a future piece of work for the University of Exeter or will you or somebody else be taking that forward and how that would be looked at.

Councillor Sutton thanked Councillor Moore for the question and said that in the short term the work was being carried out around the City Council and our plans and we will look to see the outcome of the work of the University and then move forward and continue. In an effort not to prejudge the report, it was important to get that work completed, and projected growth was part of looking forward to try and achieve this in

the next ten years, and without taking that into consideration it is not going to a fully and accurate report.

3. Councillor D Moore - Kickstart: how many employers have participated in the Kickstart bid, and of these how many were small businesses, social enterprises or charities?

We have submitted two applications to the Department Work and Pensions (DWP) as follows, both are still awaiting approval, and DWP are carrying out further due diligence checks on all businesses that have submitted the following placements:-

On the 27 October 2020 – there were 53 placements from 20 businesses, and on the 13 November 2020 – there were 42 placements from 12 businesses.

In total there were 95 placements with 31 businesses (there are placements from Exeter City Council departments on both applications.) as well as one charity, two Community Interest Companies, one Housing Association and the one Local Authority (Exeter City Council).

Supplementary question and response

Were these small or larger businesses?

Councillor Sutton confirmed that she would obtain a response and the information would be provided to Councillor Moore in writing.

Councillor Atkinson wished to congratulate the City Council for becoming a Kickstart gateway and introducing Kickstart placements, particularly as a large proportion of Devon businesses are small and Medium Size Enterprises and micro businesses. She was pleased about the support to businesses and also to young people at this difficult time. Devon County Council have not yet become a Kickstart gateway.

Councillor Sutton offered her thanks to the officers involved for their support of Kickstart.

Questions from other Committee Members

Councillor Hannaford - *Given that Exeter has a strong track record in introducing carbon neutral development and greener initiatives, will the Council take advantage of any further opportunities resulting from the Government's new commitment to carbon reduction and green technology, particularly as we have a strong green track record in these areas and are in good position to take advantage of any support that was available.*

Councillor Sutton confirmed that the City Council will work with its partners to ensure that Exeter benefits from the funding available as part of the Government's commitment to supporting green technology. This will only be clearer when the Government announces the detail of its proposals. To some extent the Government is catching up with the City Council as a similar initiative by the Government in the past was abandoned. She would welcome any such announcement and look forward to seeing the detail and will do the best to get all of the help we can and work with our partners to do that.

Councillor Hannaford - *Given the noticeable improvement in air quality along Cowick Street and Alphington Road during the lockdown, will the Council seek to introduce further measures to reduce congestion along the arterial routes into the city, which would make such a big difference?*

Councillor Sutton stated that reducing congestion along the city's roads relies to some extent on educating the public and to encourage less reliance on the car. The introduction of hybrid and electric vehicles will be beneficial and the Council will work with the County Council as the highway authority on this issue such as encouraging the introduction of more electric charging points across the city. The Council remains committed to reducing congestion in the city and a consequence of that will be better air quality.

The Portfolio Holder for City Development Councillor Emma Morse in presenting her briefing note highlighted the following:-

- following her new appointment as Portfolio Holder she wished to record her thanks to officers across the Council and particularly colleagues in Planning. Officers had been very helpful in bringing her up to speed with some very big issues that had come forward and she offered her thanks to the Director, Bindu Arjoon and officers from the Planning team, Roger Clotworthy, Jill Day, Katherine Smith, and Jean Marshall who have all made sure she was always well briefed and informed. The service has continued to carry on during the whole of lockdown, with only a pause of onsite visits, but we are continuing with them where it is safe and possible for them to do so;
- there had been an opportunity to relax the hours of deliveries to supermarkets and work on construction sites with two requests submitted, one having been allowed and one refused. The level of planning applications being made were back to pre Covid levels with the detail included in the report; and
- during this time, and although not directly related to Covid, the Greater Exeter Strategic Plan had ceased to exist, but the City Council had been working on a way forward with a report to the Executive very soon.

Questions from Committee Members

Councillor Hannaford - *Given the level of concerns expressed regarding the proposed changes to the planning system as set out in the Government White Paper, which is regarded by many to be a "developers' charter" with a presumption for development and have a detrimental impact on the city as a whole, how is the Council engaging in the consultation process ?*

Councillor Morse advised that the contents of the White Paper were considered in detail by the Planning Member Working Group and she thanked those Members who had contributed to enable a robust response to the consultation process which was submitted by the Council at the end of October. The City Council, as with other South West Councils, expressed many concerns including the number of houses proposed for the region compared with that for the northern powerhouse, bio-diversity issues and the limited reference to carbon neutral 2030 goals. Although there were some welcome elements, in general the proposals did not strengthen the planning process and the Council's response was suitably robust. Given that there is also considerable opposition from the Shire Counties, a number of changes can be anticipated before the Bill becomes law.

Councillor D Henson – *Given the receipt of complaints from residents adjacent to building sites following the relaxation of construction hours on these sites, are ward Councillors advised in advance of the changes?*

Councillor Owen - *Given that there were two applications for the extension of hours, one being refused and one being allowed, and having not been made aware of a relaxation in my ward, until a resident made contact with him, have there been any other complaints*

to City Councillors in respect of the application to extend the hours of operation of these two constructions sites?

The Director for City Development, Housing and Supporting People assisted with the responses and stated that only two applications for relaxation of hours had been received so far. Any complaints made would have been dealt with in the service, but if Councillors were not previously informed they will be notified of any changes made going forward.

Councillor Newby – *He was aware of a development site with residents in situ and asked whether it would be possible for the planning authority to suggest to developers of sites to make their occupants aware of any changes in ongoing construction hours. A number of his constituents had contacted him concerned over the changes to the hours of operation and potential for noise and disruption.*

Councillor Morse confirmed she would look into this, as the Planning Committee could include conditions as part of any application. She also suggested that Councillor Newby should discuss the matter with planning officers if he felt there was an enforcement issue.

Councillor Newby replied that the matter related to a lack of communication between developers and those who have brought on site or around but he appreciated the comments.

Councillor Diana Moore expressed her disappointment at not being successful in submitting three questions, based on the Portfolio Holders' updates for this meeting. Councillor Bialyk assured Councillor Moore that she would receive a written response in due course which would be circulated to all Councillors.

The meeting commenced at 5.30 pm and closed at 6.35 pm

Chair

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CUSTOMER FOCUS SCRUTINY COMMITTEE **(HELD AS A VIRTUAL MEETING)**

3 December 2020

Present:

Councillor Matthew Vizard (Chair)

Councillors Mitchell, M, Foggin, Mrs Henson, Mitchell, K, Oliver, Martin, A, Quance, Sparkes, Wardle and Warwick

Also present:

Director Net Zero Exeter & City Management, Director Communications, Culture & Leisure Facilities, Active & Healthy People Programme Lead, Democratic Services Officer (HB) and Democratic Services Officer (SLS)

In attendance:

Councillor Amal Ghusain - Portfolio Holder for Communities & Culture
Councillor David Harvey - Portfolio Holder for City Management

27 Minutes

The minutes of the meeting of the Customer Focus Scrutiny Committee held on 8 October 2020 were taken as read, approved as correct, for signing by the Chair at the earliest possible convenience.

28 Declarations of Interest

No declarations of interest were made by Members.

29 Questions from the Public under Standing Order No. 19

No questions from members of the public were received.

30 Questions from Members on Covid-19 Recovery reports from Portfolio Holders and Answers

The Chair invited the two Portfolio Holders to present their respective briefing notes.

Questions from Members submitted in advance of the meeting with the answers given at the meeting together with the supplementary questions and answers made at the meeting are set out below for each Portfolio.

Portfolio Holder for City Management - Councillor Harvey - in presenting his briefing note highlighted the following:-

- the focus was on maintaining services through flexible staff levels to ensure that the more vulnerable areas are covered with many measures having been put in place before the Covid-19 pandemic; and
- Government guidelines have been adhered to, for example by closing and re-opening play and skate parks with staff responding to public queries.

Questions from Members of the Committee

- 1 **Councillor K. Mitchell** - *Thank you for the update within the report regarding COVID measures implemented within the Waste, Recycling and Fleet service. Can the Portfolio Holder or an officer please confirm similar COVID measures have occurred within the Materials Recycling Facility (MRF) e.g. social distancing, Personal Protective Equipment (PPE), ensuring adequate ventilation and adequate COVID safe break facilities/increased drinks breaks due to the presumed use of masks?*

Similar measures were completed in the MRF including but not limited to, face masks and PPE, social distancing, increased hand washing facilities, staggering of break times to enable social distancing. These were all in line with Government guidance on factories and a Covid-19 safe risk assessment was produced in conjunction with our health and safety teams and Unison.

- 2 **Councillor K. Mitchell** – *Can the Portfolio Holder or an officer update the Committee on how the pandemic has impacted upon the revenue we receive from our recyclables and whether any contracts have changed meaning our recyclables are being sent elsewhere?*

Revenue has gone down as the global demand for recyclable materials dropped but we are still using our usual processors and no changes have been made.

Only those processors who can provide an audit trail on the use of the materials are used. One example of a recent change has been the dispatch of cardboard for re-cycling to France rather than China.

Supplementary question and answer.

Will Brexit impact on the ability to send material for re-cycling to Europe?

We are not expecting an impact on the ability to send recyclable materials to Europe. We send very little to Europe as we mostly use UK based re-processors. A few items such as fishnets collected through the Ocean Recovery Project from ports and beach cleans go to Europe (in this case to Denmark) but we are working with UK companies to encourage them to enhance their facilities to accept this materials.

Devon Local Authorities work together through the Devon Waste Partnership and Government has been lobbied to support locally based re-cycling plants.

- 3 **Councillor K. Mitchell** - *Can the Portfolio Holder or an officer update the Committee on the progress or any delays with regard to the planned implementation of food and glass doorstep collections, which was originally due to be implemented in the summer of next year?*

As I am sure you know the complete change of a waste collection and recycling service is extremely complex with many interdependencies. Since the Executive report which approved the changes we have been researching the options available to us and how they might work in an urban environment. We have reached out to our more rural neighbours to learn from their experiences in terms of operational performance, localised impact on traffic and the feedback from residents.

We have been in detailed conversations with vehicle manufacturers regarding suitable specifications and we have explored their programmes to introduce electric alternatives. The market for electric vehicles is moving more slowly than we would like but it's important that we integrate vehicle delivery with the new charging facilities offered by the solar array, battery storage and direct wire to Exton Road. The timing of the charging facilities and any vehicle deliveries is key.

Our MRF team have been working with manufacturers to come up with a range of detailed technical specifications for the MRF processing equipment. Examining the most modern and efficient equipment available and configuring it to fit into the limited space in the existing building. All of this whilst trying to continue to allow the residents to recycle the widest variety of materials at their doorstep.

Covid-19 has lengthened manufacturing times for vehicles and machinery but perhaps more importantly it has changed the way people shop and the quantities of what they recycle. This too has to be factored into the collection regime to make sure we don't build in inefficiency from day one. As we are a waste collection authority and not the disposal authority we have to make sure that our collection regime fits into the Devon Wide disposal arrangements.

So this project has a great deal of complexity and interdependencies. The work so far has raised concerns that kerb side sort may not be the most suitable system for Exeter and the team are researching other systems which offer the collection of food waste and glass at the kerbside but potentially offer greater possibilities for the use of electric vehicles and increase the carbon savings offered by the proposal. Once this review is complete and should any changes be proposed a paper will come back through the proper channels.

Supplementary question and answer.

Does it remain the intention for regular updates on the doorstep collection service to be submitted to this Committee?

The Chair confirmed that it remained the intention to report regularly on this issue to the Committee.

In response to a question, Members were advised that there were a number of options within a co-mingling service and that one issue was to decide which were the most appropriate vehicles for collection. Smaller vehicles lent themselves more readily to electrification as they were cheaper than larger electrified vehicles.

- 4 **Councillor M. Mitchell** - *When does the Portfolio Holder envisage that the full graffiti removal service can be re-instated?*

At the start of the new financial year.

Supplementary question and answer.

With a notable recent increase in graffiti in the Pennsylvania Road area, will the Council review its online system for reporting such incidents? At present

there is insufficient space on the web page for photos of such incidents to be adequately presented.

This will be raised with Strata and the Communications Team.

Whilst noting that it was the intention for the full service to resume, Members acknowledged that the huge financial pressures brought about by the pandemic prevented an expansion of the service although every effort was being made to respond as flexibly as possible across all services.

Members discussed wider issues around graffiti, one Member stating that, whilst graffiti could often be offensive to many, it did also provide the opportunity for the disenfranchised to express view as well as being considered by some to be an art form. Another Member referred to the potential for graffiti to promote conspiracy theories as well as racism, sexism etc.

The Director Net Zero & City Management advised that he would discuss the issue of interpreting and defining whether graffiti was offensive with the cleansing team. He also clarified that it was not possible for communities to hire cleaning materials because of the use of hazardous chemicals and of the need for training.

The Chair suggested that this issue could be a topic for a Task and Finish Group.

Portfolio Holder Communities and Culture - Councillor Ghusain – in presented her briefing note highlighted the following:-

- the four main elements within the communities part of the portfolio were Wellbeing Exeter, Exeter Connect, Exeter CAB and Grants; and
- the culture section of the portfolio largely focussed on RAMM where a rich offering of activities continued to be provided. Other areas of culture within the city such as at the Custom House, Northcott Theatre, the Phoenix, Visit Exeter and In Exeter bore witness to the positive community response by this sector to the Covid-19 pandemic.

Questions from Members of the Committee

- 1 **Councillor M. Mitchell** - *In view of the excellent work the RAMM are already undertaking in regard to online engagement, could they act as a hub partner for other heritage and visitor attractions within the city? This could help present a more holistic view of what makes Exeter so special.*

We are incredibly proud of the digital engagement RAMM has done during the pandemic. We will of course continue to work with our partners in the heritage and cultural sector. Other cultural offers in the city were being delivered on line, with RAMM particularly pro-active in publicising its offer.

- 2 **Councillor M. Mitchell** - *What formal audit or survey does the Council intend to undertake to ascertain the most successful elements of the work undertaken by Exeter Community Wellbeing?*

Exeter Connect, the Council's Voluntary, Community and Social Enterprise Sector (VCSE) infrastructure support partner, commissioned this learning

report following the first lockdown. Many of the insights and learning from this report have been adopted and improved the platform for the second national lockdown period. Power BI digital platform reporting provides daily intelligence on call themes and outcomes for residents, which officers use to ensure the right support offer is in place for residents.

Weekly meetings are held to assess data collected as part of Exeter Wellbeing, broken down geographically and by issue with outcomes also provided. This data helps inform the service offered going forward.

Supplementary question and answer.

In the event of a third lockdown, will the service continue to cope?

Yes. Exeter Wellbeing was established before the pandemic and therefore responded very effectively to the first lockdown, continuing to do so for the second lockdown and taking on board lessons learnt from the former. The work of local community and mutual aid groups is also much valued.

- 3 **Councillor M. Mitchell** - *With regard to Digital Inclusion, this IT initiative relates to primary aged school children, what support, if any, is being provided for children in the 11-16 age range?*

At present, the Council is not providing any direct support to this age group. The Education strand of the City Recovery Plan is identifying priorities in this area, Primary School aged children were identified as the key initial priority to focus on.

This strand is part of the Build Exeter Back Better initiative driven by the Liveable Exeter Place Board and includes representatives from educational institutions in the city. Whilst the City Council does not have direct responsibility for education it is contributing to the initiatives such as the goal of providing 1,500 digital devices to households most in need. The Ted Wragg Trust has created a digital library for use by schools.

Supplementary question and answer.

With the Government announcement of changes to be made to GCE and A levels from next summer can it be guaranteed that this will not further exacerbate the inequalities that exist for students to access digital learning?

It is a priority aim of all partners within the Liveable Exeter Place Board to ensure that the digital gap is bridged.

- 4 **Councillor M. Mitchell** - *Is it intended that a more detailed analysis will be presented regarding the allocation and effectiveness of the funds distributed via Covid Community Grants and the Covid Wellbeing Support Fund?*

This will need to be discussed with relevant grants panels and key officers as to the level of information that is relevant and appropriate for Members. An evaluation of the grants made available to community groups in the first lockdown is available on our website : <https://exeter.gov.uk/media/5269/covid-19-community-action-fund-report-080920.pdf> .

The Council's grant scheme was suspended with the onset of the Covid-19 pandemic and replaced with the Covid-19 Emergency Action Fund which will

continue during this crisis. It provides rapid financial support to communities to help them through the lockdowns and the tier restrictions. All support is subject to the submission by recipients of evaluation reports setting out the outcomes and impact on their communities.

Responding to a Member's request for clarification, the Portfolio Holder confirmed that all community grants were scrutinised in detail and that it was a requirement for all applicants to be properly constituted. It was noted that Exeter Wellbeing provided quarterly reports on the grants issued.

- 5 **Councillor M. Mitchell** - *To what extent does the Clinically Extremely Vulnerable (CEV) programme and Exeter Connect work with Exeter Home Call as it can be assumed that there is a large client overlap?*

Programme information regarding Exeter Community Wellbeing and its response work through Exeter Connect is cascaded across council services and communities to enable residents to access support. There is specific support for CEVs and during Lockdown 1 direct communication was sent to residents identifying the support available and how to contact. Future targeted work for specific communities will depend on a range of issues such as levels of restrictions and direct support for CEVs.

During the lockdowns, all CEV's were contacted by both the Government and the Council, the latter providing a specific offer of directing individuals to community connectors. Referrals were also made through the city's GP surgeries as it was believed that some 40% of those contacting their GP were in respect of non-medical issues such as isolation and loneliness. The community connectors would visit the individuals to provide necessary support. Exeter Home Call similarly refer individuals to connectors with the offer of digital services identified as one area of support which would be beneficial to many.

Members recognised the value of integration between various services and it was commented that the letters from both the Government and the Council were particularly clear and informative.

- 6 **Councillor M. Mitchell** - *There is likely to be a very large increase in the workload of Exeter Citizens Advice in 2021. What additional funding and/or staffing does the existing Team envisage is required to sustain the service through 2021?*

At present the Council is committed to the three year contract in place with Exeter Citizens Advice (CAB). Regular monthly dialogue is being held with the service to plan for the future and identify priority areas to support residents throughout the winter into 2021 and beyond.

CAB, which was funded by, amongst others, both the City and County Councils, had issued a press release to confirm the continuation of its service with its staff and volunteers home working to continue to offer free advice to clients.

Supplementary question and answer.

With the rise in unemployment caused by the pandemic which is likely to be exacerbated by the collapse of the retail sector, will CAB require a "taskforce" to cope with the anticipated increase in demand for its services?

The Council is in regular dialogue with CAB and will continue to support the service which will evolve in coming months in response to the anticipated increase in the demand for its services.

A Member remarked that the changes to the Universal Credit in support of the unemployed and working families were inadequate and that even the latter required additional support.

The Chair, Portfolio Holders and Committee Members asked that their thanks be passed on to staff for their commitment, hard work and significant efforts during the current crisis.

The meeting commenced at 5.30 pm and closed at 6.57 pm

Chair

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AUDIT AND GOVERNANCE COMMITTEE **(HELD AS VIRTUAL MEETING)**

Wednesday 25 November 2020

Present:-

Councillor Tony Wardle (Chair)

Councillors Atkinson, Foggin, Hannaford, Henson, D, Mrs Henson, Mitchell, M, Oliver and Warwick

Also Present

Director Finance, Deputy Chief Finance Officer, Service Lead Legal Services, Audit Manager (HK), Democratic Services Officer (SLS) and Democratic Services Officer (MD)

Jackson Murray, Engagement Lead – Grant Thornton

Steve Johnson, Audit Manager – Grant Thornton

31

MINUTES

The minutes of the meeting held 16 September 2020 were taken as read and approved as correct for signing by the Chair at the earliest possible convenience.

32

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

33

AUDIT FINDINGS REPORT (ISA 260)

Jackson Murray, Engagement Lead, for the Council's External Auditor, Grant Thornton presented the ISA 260 Audit Findings report, and referred to the Audit Risk Assessment of the financial statements for the financial year 2019/20 which had been circulated as a supporting document. The detail was presented as a PowerPoint presentation and included questions put to the Council's management, as well as the response by Grant Thornton. It was confirmed that the responses had not resulted in any additional significant audit risks. The Director Finance responded to a Member who was disappointed that there had been a lack of time to view the Risk Assessment information and as it was technical in nature, was able to assist in its understanding.

The Engagement Lead introduced the Audit Findings report in respect of the 2019/20 Financial Statements and the Value for Money conclusion. It was reported that the audit was substantially completed with only a small number of areas in progress, with the audit expected to be concluded by the deadline of 30 November. Subject to the satisfactory finalisation of the audit testing, an unqualified audit opinion will be issued.

The following areas were highlighted:-

- the inclusion of an 'emphasis of matter' paragraph in relation to the potential for material valuation uncertainty in the sector as a result of Covid-19, and valuation of the Council's land and buildings and investment properties;
- the completion of the risk based review on the Council's value for money;
- that no additional statutory powers or duties were exercised;

- a number of disclosure and classification adjustments to the financial statements had been agreed, which had no impact on the overall financial position of the Council, and
- a prior period adjustment was made in respect of the NDR appeals provision following its reclassification from short-term creditors to provisions on the balance sheet.

The Engagement Lead advised that they would issue an unqualified value for money conclusion for 2019/20 on the Council's value for money arrangements.

The Engagement Lead also gave the following response to a Member's question and confirmed that the cyclical five year rolling programme related to the Council's other assets, including Council dwellings within the Housing Revenue Account (HRA). A full valuation of the Council's investment properties is performed annually in accordance with accounting standards. The valuation programme had been revised for 2019/20, with a requirement for a minimum 20% valued, as well as the top four highest valued assets from the previous year. Any significant movement or concern of a wider market impact would lead to further assets being valued. The Director Finance clarified that commercial rent performance had been very positive, and the City Council continued to work with businesses in support of rent deferral plans wherever necessary.

In response to a Member's question the Service Lead Legal Service, stated that once the matter was concluded, the detail of a Health and Safety Executive breach would be reported to Members.

The Audit and Governance Committee noted the report on Audit Findings from the Exeter City Council (External Auditor), Grant Thornton.

In accordance with Standing Order 43, two Members wished to abstain from noting the supporting document on the Audit Risk Assessment as they had not had sufficient time to review the information.

34

STATEMENT OF ACCOUNTS 2019/20

The Deputy Chief Finance Officer presented the report on the Council's Statement of Accounts for 2019/20 for approval and adoption. It is a statutory requirement to publish the Statement of Accounts which are intended to provide a 'true and fair view' of the financial position and transactions of the Council, including group financial statement as at 31 March 2020. Due to the coronavirus pandemic, the statutory deadline for publishing the audited accounts was deferred from 31 July to 30 November 2020.

The Deputy Chief Finance Officer was pleased to report that the auditors expected to issue an unqualified audit opinion. Only a small number of audit adjustments and presentational changes had been identified during the course of the audit, all of which had been resolved and had no impact on the General Fund balance or the Housing Revenue Account balance, which remained as reported to Council on 21 July 2020. There had been one narrative change since the agenda was circulated, which was to highlight the risk uncertainty of property investments held by the Devon Pension Fund, which could impact on the Council's net pension fund liability. It was noted that the pension fund had a statutory override, so there would be no impact on the Council tax payer until the next valuation.

The Director Finance thanked both the Finance team and the auditors for achieving the 30 November deadline under extraordinary circumstances. The audit was

undertaken entirely remotely for the first time and although remote working had presented a number of challenges it had proven a success.

RESOLVED that the Audit and Governance Committee approve the audited Statement of Accounts for 2019/20.

35

MANAGEMENT REPRESENTATION LETTER

The Director Finance submitted the letter to the External Auditor, Grant Thornton in respect of the 2019/20 Statement of Accounts as required by the audit.

The Chair wished to place on record the appreciation of the Director of Finance and his team despite the difficult circumstances due to Covid 19.

RESOLVED that the Audit and Governance Committee approve the representation letter, and request that it be signed by the Director Finance and the Chair of the Audit and Governance Committee for forwarding to the External Auditor, Grant Thornton.

36

STATEMENT OF REASONS ISSUED TO THE OBJECTOR IN RESPECT OF THE 2018/19 ACCOUNTS

The Engagement Lead, Grant Thornton circulated a copy of the redacted letter and statement of reasons, which detailed the outcome of a process which commenced with a member of the public who had placed an objection on the 2018/19 financial statement under the provision of the Local Audit and Accountability Act 2014. The letter detailed the issues raised to Grant Thornton, the work they had undertaken and the reporting back to the objector of the conclusion.

The Engagement Lead referred to the matter which was discussed at the last meeting of the Audit and Governance Committee. The objection related to the grant funding mechanism used in respect of the Pinhoe Community Hub. He confirmed that since the statement of reasons was issued, no further expenditure had occurred from the earmarked reserve set up for this matter. There were no other significant concerns identified in the 2019/20 financial statements as stated earlier in the meeting.

The Director Finance stated that given the issues raised over the legality of grant expenditure made by the Council, it was important that he provided some context in this regard. He referred to February 2016, just prior to the decision for the Pinhoe Community Hub, when a resolution was passed at Council to allow funds from the New Homes Bonus to be spent in the following way, with a sum of £1.1m top sliced for revenue and a sum £150,000 to be set aside for community projects. Consideration of this sum was made at the particular Committee, with £39,000 for ward grants. A report came to the Executive on 11 October 2016 with a recommendation to Council on 18 October to approve a sum of £100,000 as Exeter City Council's contribution to a new community hub planned for Pinhoe. There were no conditions attached to the approved sum, and the resolution passed by full Council did not require a business case to be submitted to the Council before any of the grant funds were released.

A Member asked a number of questions and the Engagement Lead, Grant Thornton responded in the following terms:-

- he acknowledged the comment on the £10,000 seed fund and need for appropriate records, but he would have anticipated that any expenditure through the Council, would be subject to the relevant approval process as set

out in the Scheme of Delegation. Not every company organisation would be able to produce a full financial statement under the Companies Act, thus making the raising and authorisation of invoices to a third party difficult. The Director Finance also responded to the Member who was also concerned over expenditure made by the Council and having matched to submitted invoices to offer an appropriate audit trail. The purpose of the seed funding was to support the new project and enable initial payments to be made as part of that work. It would not be appropriate for the City Council to pay any of the suppliers for the Pinhoe Community led project directly. An invoice would then be made to the City Council to replenish the amount to continue the project.

- from an audit viewpoint, any new grant awarded under Exeter's grant programme should follow the process outlined under the new scheme. The recommendations in the Statement of Reasons were to ensure there was an appropriate review of the implementation of the grant policy, with any conditions associated with the grant fund would be clearly articulated as well as the maintenance of an adequate audit trail. A post implementation review has been recommended.
- an external audit of the grants made would depend on the size and value of the grant awarded and identified in the financial statement, and also if it was selected as part of an audit sample when they would wish to see supporting documentation.
- the Councillor's Code of Conduct states that Councillors must declare any interest at Council meetings but that it was for the individual to raise. He was satisfied that there was no interest issue that should have been raised at any of the meetings.

A Member referred to this opportunity for probity, but he also welcomed the opportunity to create a community hub, in an area of the city where this facility was needed. It was appropriate that a local authority should support such projects to help foster a community spirit. He recalled he had been involved with a similar funding exercise for the Newcourt Community Centre with a capital grant and funding for capacity building within the community. The Director Finance added there had been other Council support from a range of funding for the new community facility at Belmont Park.

A Member thanked Grant Thornton for a thorough reporting and investigation of this matter. She hoped that the Pinhoe Community Hub would be a success but she still had a number of concerns. In response, the Director Finance confirmed that he was very comfortable with the approved grant funding by Members at Council and also in his role as the Section 151 officer and his responsibility to the Council tax payers within Exeter.

The Engagement Lead concluded the discussion by confirming that the contents in the circulated letter had been brought to the attention of Members of the Audit and Government for noting.

The Audit and Governance Committee noted the letter.

INTERNAL AUDIT PROGRESS REPORT

The Audit Manager (HK) presented the report which detailed the internal audit work carried out during the second quarter of the year for the period 1 July to 30 September 2020 and the overall progress on the Audit Plan was good. The Audit Manager proposed a postponement of planned work on the Sports England Project to 2021. This has been agreed with the Director of Transformation to enable the service to be more flexible with regard to any other work that may occur in relation

to Covid. The Audit Manager reported that she would continue to monitor and work on the Plan, but it was likely that this more flexible approach would be continued and she anticipated coming before Members at the next meeting in March 2021 with some further amendments.

Members were referred to the report appendices presented to the meeting, which detailed the progress of the 2020/21 Audit Plan to date and the Action Plan, which highlighted the proposed measures to monitor and improve governance arrangements at the City Council. An update on each significant issue was included.

The Audit and Governance Committee noted the Internal Audit report for the second quarter of 2020.

38

OVERVIEW OF THE REDMOND REPORT RECOMMENDATIONS

The Director Finance submitted a report which updated the Committee on the recommendations of the Redmond Review, which was published in September 2020 and, if accepted by Government, would have a significant impact on both the financial reporting and audit of local government.

The report set out the key findings which were:-

- the current local audit arrangements fail to deliver, in full, policy objectives underpinning the 2014 Act;
- the overriding concern was a lack of coherence and public accountability within the existing system;
- the fragility of the local audit market and current fee structure does not enable auditors to fulfil the role in an entirely satisfactory way with 40% of audits failing to meet the required deadline for report in 2018/19; and
- without prompt action to implement the recommendations, there was a significant risk that the firms currently holding local audit contracts will withdraw from the market.

It was noted that some of the recommendations would require changes in legislation, which will take time to enact. One of the recommendations includes a further financial report reconciled to the Statement of Accounts, which will not necessarily add to the public's understanding in the Director of Finance's opinion and there were likely to be additional costs.

The Director Finance responded to a Member's question on the abolition of the Audit Commission and the transition from 2012, which has resulted in a cheaper cost for local government audit. He explained that the external audit for local authorities was run on a similar basis as for the private sector, but the standards for a set of shareholders as opposed to protecting Council tax payers was completely different. It was necessary to have a different body that allowed the public audit to consider the terms of the value that they provide to the Council tax payers.

The Audit and Governance Committee noted the report.

39

REVIEW OF CORPORATE GOVERNANCE RISK REGISTER

The Audit Manager (HK) referred to the Audit and Governance Committee's responsibility for monitoring and reviewing the Corporate Risk Register and in presenting an update advised that there was one new Risk Number 14 to the Corporate Risk Register since the last meeting. The detail of this risk had not been replicated in the version of the appendix circulated with the agenda. This had been rectified by later circulation.

The Audit Manager and Director Finance responded to Member's questions in the following terms:-

- Risk number 9 - a report with an update of the future of the Greater Exeter Strategic Plan, following the withdrawal of the East Devon District Council was being considered by the Executive on 1 December with a recommendation that the City Council will formally withdraw from the arrangement and in principle agreement was being sought for a non-statutory joint strategy and infrastructure arrangement;
- Risk 1 - following the Council having taken this function back in house this risk would be updated to reflect this;
- it had not been possible to obtain a response in respect of a question on Risk Item 2 about the Council's role in engaging with other sectors in regard to the pandemic. A response would be circulated.
- in respect of Risk Item 9 –It was noted that there was a High Court Judgement in 2015, in which the Council was told that purpose built student accommodation could not be counted towards meeting our adopted housing requirement/five year land supply. That is because the Council's current adopted housing requirement does not take full account of the growth in student numbers that Exeter has seen in recent years. This will be the position until the Council adopts a new Local Plan for Exeter, containing a new housing requirement that does take account of the increased number of students in the city. There is no definitive legal ruling of the counting or otherwise of co living housing towards the local planning authority housing requirements. It would seem reasonable to assume that co living housing can be counted towards the Council's adopted housing requirement because, unlike student's accommodation anyone can occupy a co living home.
- in respect of Risk Item 11 – the Director Finance responded to a comment on the lack of a reference to potential capital receipts losses due to any decline in the value of our commercial estate. The Strategic Management Board will update the Register collectively, so that each entry can be challenged with each other to ensure that all entries are updated. He added that local authorities have a statutory override that offers as protection from any fluctuation of the market value of the Council's commercial property to ensure there is no impact on the Council tax payer.

The Director Finance also referred to a question about other Councils' investment portfolios and stated that such valuations were not an issue for Exeter's council tax payers and referred to his previous response of the Council's statutory override. He also responded to the Member who sought clarification about the Council's liability for borrowing for investment. He confirmed that only two of 900 commercial properties had any borrowing attached to them. The income of £5million was set against an annual agreement to repay borrowing of between £200,000 and £300,000.

A Member also sought further information on Risk 14 relating to St Sidwell's Point and the additional costs for the site. The Director Finance confirmed that the site would have to be Covid compliant with all that required, including additional PPE and fewer construction workers at any one time, which would impact on the schedule. He referred to his Section 151 comments in the relevant section of the report which referred to the financial challenges from the Covid 19 pandemic. There had been some respite from the Government's Sales, Fees and Charges compensation scheme. He would report to Members the continuing risks of the Council's income streams in his annual Budget Member Briefing in January.

The Audit and Governance Committee reviewed and noted the updated Corporate Risk Register.

In accordance with Standing Order 43, two Members wished to abstain from noting the supporting document on the Audit Risk Assessment as they had not had sufficient time to receive all of the information.

(The meeting commenced at 5.30 pm and closed at 7.10 pm)

Chair

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EXECUTIVE
(HELD AS A VIRTUAL MEETING)

Tuesday 3 November 2020

Present:

Councillor Bialyk (Chair)

Councillors Sutton, Foale, Ghusain, Harvey, Morse, Pearson, Williams, Wright and Wood

Also present:

Chief Executive & Growth Director, Director Net Zero Exeter and City Management, Director Communications, Culture and Leisure Facilities, Director Finance, Service Lead - Environmental Health and Community Safety, Project Director – Liveable Exeter, Senior Environmental Technical Officer, Policy Officer – Community Safety, Safeguarding and Equality and Diversity, Democratic Services Officer (MD), Democratic Services Officer (SS) and Democratic Services Officer (HB)

107

MINUTES

The minutes of the meeting held on 6 October 2020, were taken as read and approved as correct, for signing by the Chair at the earliest possible convenience.

108

COVID-19 - SECOND LOCKDOWN

Following the recent Government announcement of a second National Lockdown scheduled for 5 November to 2 December 2020, the Leader stated that the City Council, together with its partners in the voluntary and community sectors across the city, would continue to support the public and businesses during the continuing crisis. Practical support would be provided through Wellbeing Exeter, the use of community buildings and the Covid Community Action Fund.

He thanked all community groups and organisations who were helping neighbours and the most vulnerable with meals distributed by local groups and through the Council's support network and Community Wellbeing. The Council would continue the assistance given to families during half term through the course of the Lockdown and into the Christmas period and that as much support as possible would be given to help Exeter come through the pandemic.

109

EXETER CHIEFS

The Leader congratulated the Exeter Chiefs on their double success in winning both the Heineken Champions Cup and the Gallagher Premiership and emphasised the increased national profile this brought not only to Exeter but the wider South West.

JULIAN TAGG AND JO YELLAND

The Leader congratulated the following on being awarded British Empire Medals in the Queens's Birthday Honours:-

- Julian Tagg, Chairman of Exeter City Community Trust, for services to sport and the community in Exeter; and
- Jo Yelland, Director Transformation, for her service in reducing health inequalities in the city, through her work on Wellbeing Exeter.

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

A member of the public, Dr Gillian Baker, submitted the following question, related to Minute No. 114:-

- Air quality in Exeter improved until 2015 but since then there has been no improvement. Is it not misleading to say there is a long term downward trend when there has been no improvement in five years and is evidence that the mitigations in place are not sufficient?

The Portfolio Holder for Transformation and Environment responded:-

It is hard to determine trends in air quality levels over time periods of just a few years because of the influence of weather on annual concentrations. This means that there can be substantial variation between years even where emissions are stable.

Concentrations have fallen over a ten year time scale and in the last two years the previously persistent exceedance at the junction of Blackboy Road and Pinhoe Road has not occurred. This is good news for those living in these areas.

We will continue to review the data and progress in implementing the Action Plan. If changes are necessary, these will be reported in future Annual Status Reports.

Dr Baker put a supplementary question:-

Considering that 50% of the pollution in the Heavitree corridor is caused by commercial vehicles and buses do you think the Action Plan sufficiently addresses these causes or is it too reliant on individual behaviour change to cause significant reductions in CO2?

The Portfolio Holder for Transformation and Environment responded:-

Whilst there have been improvements, there remain hot spots including Alphington Street, Livery Dole, Fore Street, Heavitree and East Wonford Hill and there remains work to be done. The Department of Environment, Food and Rural Affairs (DEFRA) concluded that the City Council's recent report was well structured and detailed providing the necessary information with the Action Plan including 30 key areas to continue to try to improve air quality.

BUILDING EXETER BACK BETTER – EXETER'S COVID-19 RECOVERY PLAN

The Executive received the report on the Exeter Covid-19 recovery plan submitted following the approval in June 2020 of a place-based recovery plan to support the city's recovery from the effects of the Covid-19 pandemic. The work would be led and co-ordinated by Council officers, with input from other key city stakeholders, with the plan to be adopted by the Liveable Exeter Place Board.

The Project Director Liveable Exeter reported the following seven areas of focus for recovery:-

- Business Support;
- The City Centre;
- Community and Wellbeing;
- Construction and Development;
- Education;
- Transport; and
- Visitor Economy (Culture and Tourism).

Particular reference was made to the six guiding recovery principles as set out in the report, the intention to work with other recovery plans in the region, the need to support the 2030 zero carbon objectives and the following three priority areas:-

- investment in the city centre;
- investment in digital skills and training; and
- continued investment in wellbeing.

The Leader thanked the large number of partners, stakeholders and businesses across the city as well as regional bodies who had contributed significantly to the plan.

During the discussion the following points were made:-

- significant recommendations for the City Centre made by the City Centre Recovery Group which were also based around the need to reduce the carbon impact on the city and the Council's Net Zero 2030 target such as creating a zero-waste zone;
- the complexity of the plan with a number of overlapping areas and city wide issues;
- specific initiatives in support of sustainable development including Co-Cars, Electric Bikes and the investment bid already submitted in respect of an electric bus fleet;
- welcome support for digital training and skills for Exeter and the five year funding package to support continued community activity through Wellbeing Exeter; and
- welcome the involvement of the University and Exeter College with schools in supporting on line training and home schooling.

The Chief Executive & Growth Director emphasised the following:-

- immense range of stakeholders and people who have contributed to the plan across all sectors in the city;
- the alignment of sectors in providing immediate support through emergency measures to businesses after the initial lockdown, such as support for the aviation sector and the transport providers, Stagecoach and Great Western Railway, working with Exeter College to ensure students across Devon could get to the College;

- with all aspects of city life touched, the flexible approach of the Council itself working within regulatory frameworks to support local businesses;
- the Plan provides the evidence base to work with the Local Enterprise Partnership and through the Great South West brand in promoting the region to maximize the chance of submitting winning bids to Government. The city's Liveable Exeter strategy and its Net Zero agenda, which are twenty year visions, are central to the approach to tap into the potential funding pipeline to Government as part of the Region for Clean Growth vision;
- the plan builds on opportunities emerging from structural changes in response to the pandemic as well as recent significant investment in the city centre such as the Royal Clarence, re-development of the Harlequins and the Council's own investment in the Bus Station site; and
- the plan sets out a foundation to work in both the short and long term to ensure Exeter recovers from the pandemic.

RESOLVED that Executive note: -

- (1) the work undertaken by the seven recovery groups in developing a place based and sector-specific action plan, with associated 'asks', to counter the effects of Covid-19 upon the city;
- (2) the endorsement of the draft recovery plan document by the Liveable Exeter Place Board, on behalf of key stakeholders within the city; and
- (3) that the resources required to progress the various initiatives within the Recovery Plan will be a blend of funding sources ranging from asks of central Government, regional funding pots, a variety of local and national funding, city council and private sector funding; and

RECOMMENDED that Council adopt the Exeter Covid-19 Recovery Plan.

114

LOCAL AIR QUALITY MANAGEMENT

The Executive received the statutory Annual Status report on the air quality monitoring data from 2019, which had been submitted to the Department of Environment, Food and Rural Affairs (DEFRA), meeting the required standards. The report also provided a summary of the actions taken in 2019, to improve local air quality. Members noted that, although the report did not contain information on pollution levels during 2020 or of the impact of Covid-19 control measures, these would be detailed in the 2021 annual report.

Particular reference was made to the downward direction in the city's long-term trend in nitrogen dioxide levels and that there were fewer areas in the city that exceeded the objective levels than in previous years. Exeter City Council would continue to work with Devon County Council to implement the Air Quality Action Plan, reduce car use and reduce the impact of poor air quality on health.

During the discussion the following points were made:-

- monitors were strategically placed in the city's hotspots and busiest roads to ensure robust evidence obtained to capture the true position;
- review of existing monitors is in progress to ensure raw data is as up to date as possible to avoid over reliance on historical data and to effectively monitor trends;
- welcome exploration of different transport options; and

- DEFRA is encouraged by the Council's approach to amending and monitoring its programme and the 30 action points to improve air quality as set out in the report

RESOLVED that the Executive note the statutory annual status report; and

RECOMMENDED that the Council notes and approves the statutory annual status report.

115

REVIEW OF POLICY FOR DEALING WITH UNACCEPTABLE CUSTOMER BEHAVIOUR

The Executive received the report which sought approval for the adoption of the revised Policy for Dealing with Unacceptable Customer Behaviour with associated documents, to ensure it was up to date and reflected the current processes.

RESOLVED that the revised Policy for Dealing with Unacceptable Customer Behaviour be supported; and

RECOMMENDED that the Council approve the Policy for Dealing with Unacceptable Customer Behaviour.

(The meeting commenced at 5.30 pm and closed at 6.16 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.

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EXECUTIVE
(HELD AS A VIRTUAL MEETING)

Tuesday 1 December 2020

Present:-

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

Also Present

Chief Executive & Growth Director, Director City Development, Housing & Supporting People, Director Net Zero Exeter & City Management, Director Finance, Corporate Manager Democratic and Civic Support, Service Lead - Environmental Health & Community Safety, Service Improvement Lead (Benefits), Policy Officer – Community Safety, Safeguarding and Equality & Diversity, Principal Project Manager - Housing Delivery, Democratic Services Officer (MD) and Democratic Services Officer (HB)

Also Present

Councillors Leadbetter and K. Mitchell (as opposition group leaders)
Councillor Oliver (speaking under Standing Order 44)

116

MINUTES

The minutes of the meeting held on 3 November 2020, were taken as read and approved as correct, for signing by the Chair at the earliest possible convenience.

117

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

118

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

119

COUNCILLORS LYONS AND BUSWELL

The Leader referred to the recent hospitalisation of Councillor Lyons and an injury incurred by Councillor Buswell and wished them both a speedy recovery.

120

COVID-19 - END OF SECOND LOCKDOWN

Following the recent Government announcement that Exeter would be in Tier 2 following the end of the second National Lockdown on 2 December 2020, the Leader urged all to continue to follow Government guidance and not to become complacent. He referred to the recent opening of the Nightingale Hospital in Exeter which had not been used during the first Lockdown and to the figure of 136 cases for Exeter recorded on 28 November for the previous week, being a rate of 103.5 per 100,000 for the general population and 148.4 for the over 60's. It was particularly important to maintain vigilance to protect all in the city, particularly the elderly. He thanked City Council staff as well as health and care workers in the city for their work in helping combat Covid-19.

The Leader also referred to the following:-

- the City Council having been granted £100,000 as part of its designation as a City Of Literature; and
- the provision of nine new homes at Thornpark Rise through Exeter City Living in conjunction with the Housing Revenue Account (HRA).

121

MEMBERS ALLOWANCES 2021/22

The Chair welcomed Derek Phillips, the Chair of the Independent Remuneration Panel, to the meeting.

Derek Phillips presented the report of the Council's Independent Remuneration Panel relating to the Members' Allowances for the period 2021/22. The Independent Remuneration Panel provided a review and guidance to the Council on a scheme of Members' Allowances and to make recommendations on the allowance to be paid to Members, following the legislation set out under the Local Authorities (Members' Allowances) (England) Regulations 2001 and 2003.

Derek Phillips thanked those Members who had been interviewed by the Panel and made particular reference to:-

- the new Special Responsibility Allowances it was recommended should be paid to the Chairs of the newly formed Harbour Board and the Council Housing and Development Advisory Board, the latter funded from the Housing Revenue Account, both to be reviewed after 12 months as it was unclear at this stage the level of work involved;
- an additional clause proposed in respect of specialist care within the Dependants' Carers' allowance;
- to continue to match the Allowances with the Local Government Employers (LGE) staff pay award;
- a Panel suggestion for a review in 12 months' time in view of the continuing Covid-19 crisis; and
- the Panel had also thanked Councillors for the work they had undertaken during the crisis.

The Chair thanked Derek Phillips and the Independent Remuneration Panel for their work and Derek for attending the meeting.

RECOMMENDED to Council that: -

- (1) the basic structure and principles of the current Members' Allowances scheme for 2021/22 be retained;
- (2) the principle that any Member qualifying for more than one Special Responsibility Allowance is paid the higher allowance only, be retained;
- (3) the Councillors' Basic and Special Responsibility Allowances including the Lord Mayor and Deputy Lord Mayor's Expenses Allowances, should be linked and updated in line with the LGE staff pay award for the previous year (a 2.75% increase in the annual Local Staff Pay Award was awarded by the Employers side for staff which was effective for staff from April 2020), and be uplifted by this amount with effect from 1 April 2021;

- (4) the principle that Special Responsibility Allowances be paid to no more than 50% of the overall number of Councillors be kept under review and adhered to where possible;
- (5) a new Special Responsibility Allowance be paid to the Chair of the newly formed Harbour Board;
- (6) a new Special Responsibility Allowance, to be funded from the Housing Revenue Account, be paid to the Chair of the newly formed Council Housing and Development Advisory Board;
- (7) the current Dependants' Carers' Allowance scheme be maintained, with the continuation of the level of allowance matching the Living Wage of £9.30 (with effect from 1 April 2020) per hour or part of (retaining the uplift of the standard rate of income tax to £11.16). In the case of Members who need specialist care for a child or adult dependant, a higher rate, of up to £25 per hour or part thereof, can be agreed by negotiation in advance with the Corporate Manager, Democratic and Civic Support;
- (8) the sum of £50 paid to the Independent Persons affiliated to the Audit and Governance Committee for up to four hours work, and £100 for four hours and over, payable to each of the two Independent Persons (up to a maximum of £500 per person in any one year) be retained; and
- (9) the Travel and Subsistence allowances available for staff, to continue to apply to Exeter City Councillors, where appropriate.

122

FREEDOM OF THE CITY

The Executive received the report which set out a proposal to offer the Freedom of the City to Mr Gareth Steenson for gaining national and international recognition for his rugby playing career with Exeter Chiefs.

Councillor Leadbetter, speaking as an Opposition Leader, welcomed the recommendation.

RECOMMENDED to Council that: -

- (1) the title of Honorary Freeman of the City Status be conferred on Gareth Steenson; and
- (2) the Right Worshipful the Lord Mayor be requested to convene an Extraordinary Meeting of the Council to be held on the rising of the Ordinary Meeting on 15 December 2020, for the purpose of passing the appropriate resolution under Section 249 of the Local Government Act 1972.
- (3)

123

OVERVIEW OF GENERAL FUND REVENUE BUDGET 2020/21 – QUARTER 2

The Executive received the report on the overall financial position of the General Fund Revenue Budget for the 2020/21 financial year after six months.

The Director Finance made particular reference to:-

- no significant change to the overall position although services had gone from an underspend of £500,000 to an overspend of £620,000 because of the impact of the second lockdown on Council income, notably car park income. However, much would be offset by the Government's Sales, Fees and Charges Compensation Scheme;
- despite the Government's announcement of a pay freeze for public sector staff, Local Government pay was devolved to Local Government employers who could still negotiate an increase with the Unions;
- the one year Comprehensive Spending Review limiting Council Tax increases to less than 2%, although it was hoped that Districts would be able to levy a £5 rise;
- extension of the Sales, Fees and Charges Compensation Scheme by three months to June 2021 with pressures on Local Government to be kept under review;
- £800 million support for irrecoverable business rates and Council Tax this financial year; and
- the New Homes Bonus scheme to continue for another year.

RECOMMENDED that Council notes and approves (where applicable): -

- (1) the General Fund forecast financial position for the 2020 financial year;
- (2) the supplementary budget as detailed in paragraph 8.10 of the report presented to the meeting;
- (3) the outstanding Sundry Debt position as at September 2020; and
- (4) the creditors' payments performance.

124 **2020/21 GENERAL FUND CAPITAL MONITORING STATEMENT – QUARTER 2**

The Executive received the report on the current position in respect of the Council's revised annual capital programme. The report further advised Members of the anticipated level of deferred expenditure into future years and sought Member approval to amend the annual capital programme in order to reflect the reported variations.

The Director Finance advised that there had been no significant change in the capital programme since Quarter 1 and that the Council had spent 15.5% of the programme to date as opposed to 30% for the same period in the previous year as a result of the Covid pandemic.

RECOMMENDED that Council approve the revision of the annual capital programme to reflect the reported variations detailed in paragraph 8.1 and Appendix 1 of the report.

125 **2020/21 HRA BUDGET MONITORING REPORT – QUARTER 2**

The Executive received the report on the overall financial position of the HRA Revenue and Capital Budgets for the 2020/21 financial year after three months. Members noted the budgetary over/under-spend and the further areas of risk and acknowledged that certain budgets had been identified as vulnerable due to factors beyond the Council's control, leading to potential deviation from the budget.

The Director Finance advised that the Medium Term Financial Plan showed that the HRA was likely to use the majority of its resources as part of its ambitious programme.

The Portfolio Holder for Council Housing Development and Services reported on a successful first meeting of the Council Housing and Development Advisory Board involving other professionals from the housing sector who recognised, and were supportive of, the Council's ambitious and achievable plans for developing and improving its housing stock.

RECOMMENDED that Council notes and approves (where applicable): -

- (1) the HRA forecast financial position for 2020/21 financial year; and
- (2) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4 of the report.

126

TREASURY MANAGEMENT 2020/21 HALF YEAR UPDATE

The Executive received the report on the current Treasury Management performance for the 2020/21 financial year and the position regarding investments and borrowings at 30 September 2020.

The Director Finance advised that:-

- with a bank rate of 0.1% it was difficult to generate interest on short term funds to lend to other local authorities and that the Government had placed a charge of 0.02% for Council's to deposit money in its overnight deposit fund run by the Debt Management Office; and
- as part of the Comprehensive Spending Review, the Government had withdrawn the ability for local authorities to borrow from the Public Loans Work Board to invest in commercial property but had reduced the borrowing rate by a full 1%.

RECOMMENDED that Council note the Treasury Management report in respect of the first six months of the 2020/21 financial year.

127

LOCAL COUNCIL TAX SUPPORT SCHEME 2021-22

The Executive received the annual report which sought agreement on the Local Council Tax Support Scheme for working age residents for 2021/22 and to continue exploring options for a simpler discount-style scheme for 2022/23.

The Director City Development, Housing and Supporting People made reference to:-

- the scheme related solely to working age customers as the pensioners scheme was set by Government and that 45% of spend on Council Tax support related to the former; and
- work on a new scheme for 2022/23, which, in conjunction with Members, would start in February 2021. A new scheme was required to compensate for the reduction of funds given to administer the scheme and to align the scheme with the Council's digitalisation programme and to align with other Council tax discounts.

Members thanked the Director and her team for the considerable extra work that continues to be done to administer the Government's grants for individuals and households.

RECOMMENDED that Council approve:-

- (1) that the Local Council Tax Support Scheme for the current year continues for 2021-22 without substantive changes; and
- (2) the work to develop options for Members' consideration for a simpler scheme, that was halted in March 2020 due to Covid-19 response priorities recommence in February 2021.

128

FUTURE STRATEGIC PLANNING WITH EAST DEVON, MID DEVON AND TEIGNBRIDGE DISTRICT COUNCILS AND DEVON COUNTY COUNCIL

The Executive received the report which sought formal agreement for Exeter City Council to withdraw from the Greater Exeter Strategic Plan project and presented alternative options for joint strategic planning approaches for the Greater Exeter area. Members noted that joint strategic planning needed to continue in the form of a non-statutory plan, to be prepared by East Devon, Exeter, Mid Devon and Teignbridge Councils in partnership with Devon County Council.

The Director City Development, Housing and Supporting People advised that:-

- much of the work undertaken on the GESP would transfer to both the non-strategic plan and the Local Plan;
- work had commenced on the preparation of the Local Plan with additional staff to be recruited shortly, the Plan to be developed in consultation with partners;
- there was no requirement for an Examination of the non-statutory plan by the Planning Inspectorate;
- although there was no requirement for public consultation on a non-statutory plan, the Councils were likely to want to engage with the public and this would be proposed in a detailed, future paper to Members; and
- a more detailed report would be submitted to Executive outlining the scope and timetable of the joint non-statutory plan.

During the discussion the following points were made:-

- it was crucial to continue to work with neighbouring authorities as much as possible given the extent of developments on either side of the city's boundary to ensure a strategic approach;
- the production of the new Local Plan would involve consultation with local stakeholders and the public as required by legislation;
- both plans would be brought forward with regard to the Government White Paper on Planning, changes to which were anticipated after the recent round of consultation; and
- the provision of additional housing of 12,000 on the eight identified strategic sites in the city would require a visionary approach given the limited availability of land and Exeter's role as a major travel to work and regional centre.

RECOMMENDED that Council: -

- (1) approve the formal withdrawal of Exeter City Council from preparing the Greater Exeter Strategic Plan (GESP);
- (2) support in principle the production of a joint non-statutory plan, to include joint strategy and infrastructure matters, for the Greater Exeter area in partnership with East Devon, Mid Devon and Teignbridge District Councils and Devon County Council. This would be subject to agreement at a later date of details of

the scope of the plan, a timetable for its production, the resources required and governance arrangements; and

- (3) note that the work to develop Exeter's Local Plan had commenced, as agreed in the report to Council on 21 July 2020. A report outlining the scope and timescale for the development of the Local Plan would be presented to Members early next year.

129

ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY ENFORCEMENT POLICY

The Executive received the report which sought to revise the Council's Enforcement Policy, to reflect the changes created by new legislation, Government guidance and the revised structure of the service. The proposed amendments would provide clarity and consistency in regards to how the Council resolves known breaches of regulatory control.

Particular reference was made to the introduction of civil penalties under the Housing and Planning Act 2016 of up to £30,000 to tackle rogue landlords and to protect the most vulnerable in society in poor accommodation. A proactive, ambassadorial and "carrot and stick" approach were seen as key to bring forward the principles of the policy.

RECOMMENDED that Council adopt the revised Enforcement Policy.

130

AMENDMENT TO STREET TRADING POLICY AND TERMS OF REFERENCE FOR THE LICENSING SUB-COMMITTEE

The Executive received the report, which sought approval to amend the Terms of Reference for the Licensing Sub-Committee, to coincide with the amendment to the Street Trading Policy, which had been supported by the Licensing Committee on 30 November 2020 (minute number 19 refers). The amendments to the policy and terms of reference would enable future Street Trading Applications to be determined at a Licensing Sub Committee hearing, in a timelier manner.

RESOLVED that Executive note and support the amendment to the Street Trading Policy and the Terms of Reference for the Licensing Sub-Committee.

RECOMMENDED that Council approve the following addition to the Council's Constitution Terms of Reference for the Licensing Sub-Committee: -

- To determine whether to grant or refuse a street trading consent.

131

DRAFT RESOURCE AND WASTE MANAGEMENT STRATEGY FOR DEVON AND TORBAY

The Executive received the report on the draft Resource and Waste Management Strategy for Devon and Torbay, which provided the basis for the management of Local Authority Collected Waste across Devon and Torbay to 2030. The objective of the management strategy would be to work with other local authorities and partners to both reduce waste and its carbon impact. Members noted that part of the process required for preparing the draft strategy involved undertaking a public consultation, which required approval from the members of the Devon Waste Partnership.

Approved by the Partnership on 15 October 2020, the draft Strategy would be published for consultation over the winter of 2020/21 and shared with relevant

stakeholders and the public. Any changes after consultation would be reported back for approval. The key objectives of the Strategy were:-

- to manage waste in a sustainable and cost effective way;
- to minimise waste created;
- reduce the impact of waste management on climate change and carbon footprint; and
- maximise the value of recycling materials and align waste strategy with the expected Government strategy on waste currently under consultation.

RECOMMENDED that Council approve the draft Resource and Waste Management Strategy for Devon and Torbay for public consultation.

132

REVIEW OF SAFEGUARDING POLICY

The Executive received the report which sought approval for the adoption of the revised Safeguarding Policy, which had been updated to ensure it reflected the best practice for safeguarding measures and was in line with the recent updates to the Statutory Taxi and Private Hire Vehicle Standards.

The Policy Officer - Community Safety, Safeguarding and Equality and Diversity advised that the policy, last reviewed in 2018, was backed by a substantial action plan, a key element being safeguarding training, particularly for Members of the Licensing Committee and staff. The Policy would be further updated to include revised Portfolio Holder and Director titles, as appropriate.

The Portfolio Holder for Supporting People made particular reference to the importance of the policy and stated that all Councillors as well as employees had a responsibility for safeguarding children, young people and adults and she thanked the officer for arranging the training in recent months.

RESOLVED that the revised Safeguarding Policy be supported; and

RECOMMENDED that Council approve the revised Safeguarding Policy.

133

REVIEW OF EQUALITY AND DIVERSITY POLICY

The Executive received the report, which sought approval to adopt the revised Equality and Diversity Policy, which had been amended to ensure it considered the current process relating to the production of Equality Impact Assessments and the recent updates to Statutory Taxi and Private Hire Vehicle Standards.

Councillor Oliver, having given notice under Standing Order No. 44, spoke on this item. She made the following points:-

- the City Council had provided over £320,000 for disabled facilities grants this year including the provision of 60 stair-lifts;
- have great confidence in the Leader, the Chief Executive & Growth Director and all officers in their commitment to equality and diversity and heartened by the work done on equality impact assessments and thank the Policy Officer for her work in this area;
- each Councillor has a responsibility to comply with the equality and diversity policy and training is being planned;
- the tragic death of George Floyd is a reminder to continually question embedded prejudices;

- the nine protected characteristics that require protection are age, disability, gender, gender re-assignment, sexual orientation, marriage or civil partnership, pregnancy or maternity, race and religion or belief and Exeter's policy is exceptional in that it is a policy covering all socio-economic backgrounds;
- whilst the policy is an exemplar, it is increasingly relevant during the current Covid-19 crisis to ensure that no-one is left behind and to ensure Exeter is a city where everyone has opportunities and is protected from discrimination; and
- welcome and support the recommendations.

RESOLVED that the revised Equality and Diversity Policy be supported; and

RECOMMENDED that Council approve the revised Equality and Diversity Policy.

(The meeting commenced at 5.30 pm and closed at 6.54 pm)

Chair

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