



Exeter City Council

A virtual meeting of **EXETER CITY COUNCIL** will be held on **TUESDAY 23 FEBRUARY 2021**, on the rising of the Extraordinary Meeting of Council which commences 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.

The following business is proposed to be transacted:-

	Pages
1 Minutes	
To approve and sign the minutes of the Ordinary and Extraordinary meetings held on 15 December 2020.	3 - 18
2 Official Communications	
3 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 18 February 2021. 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:-

4 Planning Committee - 14 December 2020	19 - 42
5 Planning Committee - 18 January 2021	43 - 56
6 Licensing Committee - 2 February 2021	57 - 58
7 Strategic Scrutiny Committee - 21 January 2021	59 - 64
8 Customer Focus Scrutiny Committee - 11 February 2021	65 - 70
9 Strata Joint Scrutiny Committee - 11 January 2021	71 - 74
10 Strata Joint Executive Committee - 25 January 2021	75 - 78
11 Executive - 12 January 2021	79 - 84

Office of Corporate Manager Democratic & Civic Support

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12 Executive - 9 February 2021

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13 Committee Membership

To note the following changes in committee memberships, following a change in the Council's political make-up.

Planning Committee

The withdrawal of Councillors Ghusain and Wright and the addition of Councillor Martin.

Licensing Committee

The withdrawal of Councillor Oliver.

14 Questions from Members of the Council under Standing Order No. 8.

Date: Monday 15 February 2021

Karime Hassan
Chief Executive &
Growth Director

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COUNCIL **(HELD AS A VIRTUAL MEETING)**

Tuesday 15 December 2020

Present:-

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

60

APOLOGIES

Apologies for absence were received from Councillors Newby and Oliver.

61

MINUTES

The minutes of the Ordinary and Extraordinary meetings of the Council held on 20 October 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.

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COUNCILLOR RACHEL LYONS

The Lord Mayor welcomed Councillor Lyons to the meeting after her recent period of ill health including a spell in hospital and wished her a continued and speedy recovery.

63

OFFICIAL COMMUNICATIONS

The Lord Mayor reported the following:-

- the absence of John Street, Corporate Manager, Democratic and Civic Support, from the meeting because of the recent loss of his mother. The LM extended his and Members' condolences and support to John;
- a virtual Remembrance Service on 8 November 2020 at Exeter Cathedral and a live streaming of a Remembrance Service held on 11 November 2020 which had included the laying of wreaths by the City and County Councils and the Battalion of the 6th Rifles;
- his participation in an unique virtual civic reception for the Exeter Chiefs on 12 November 2020, held in recognition of their outstanding achievements in the 2019/20 rugby season, being crowned as the Heineken European Champions and the Gallagher Premiership Rugby Championships, therefore achieving a coveted double. They now enjoy local, national and international renown and are fine ambassadors for the City of Exeter;
- the raising of the Polish Flag on 15 November 2020 above the Guildhall, an event marked every year, but this being the 80th Anniversary commemoration of the 307 Polish Squadron, in honour of their service to the city during the Second World War and the passing of Walter (*Wladyslaw*) Swirski, a former pilot of the 307 squadron at his home in Canada. He had been a member of the Polish Air Force and one of the last remaining veterans of the Squadron;

- as part of the preparations for Christmas, the city was holding a Virtual Christmas Market to showcase the online shops of Exeter retailers and many independent shops;
- a video with a Christmas Message from the Lord Mayor, the Leader and the Dean of Exeter Cathedral had been posted on the City Council web site; and
- a letter he had sent to the Commanding Officer of HMS Defender and copied to Brigadier Jock Frasier, Naval Regional Commander Wales and Western England, expressing his congratulations to HMS Defender for winning multiple successes in the Surface Flotilla Excellence Awards and which he had reiterated in a conference call with Brigadier Frasier.

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PUBLIC QUESTIONS

The Lord Mayor reported that no public questions had been received.

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PLANNING COMMITTEE - 12 OCTOBER 2020

The minutes of the Planning Committee of 12 October 2020 were presented by the Deputy Chair, Councillor Williams, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 12 October 2020 be received.

66

PLANNING COMMITTEE - 26 OCTOBER 2020

The minutes of the Planning Committee of 26 October 2020 were presented by the Chair, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 26 October 2020 be received.

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PLANNING COMMITTEE - 16 NOVEMBER 2020

The minutes of the Planning Committee of 16 November 2020 were presented by the Chair, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 16 November 2020 be received.

68

LICENSING COMMITTEE - 27 OCTOBER 2020

The minutes of the Licensing Committee of 27 October 2020 were presented by the Chair, Councillor Owen and taken as read.

RESOLVED that the minutes of the Licensing Committee held on 27 October 2020 be received.

69

LICENSING COMMITTEE - 30 NOVEMBER 2020

The minutes of the Licensing Committee of 30 November 2020 were presented by the Chair, Councillor Owen and taken as read.

In respect of **Minute No. 19 (Amendment to Street Trading Policy and Terms of Reference for the Licensing Sub-Committee)**, the Chair moved and the Deputy Chair seconded the recommendations and following a vote, the recommendation was carried.

RESOLVED that the minutes of the Licensing Committee held on 30 November 2020 be received and, where appropriate, adopted.

70

STRATEGIC SCRUTINY COMMITTEE - 19 NOVEMBER 2020

The minutes of the Strategic Scrutiny Committee of 19 November 2020 were presented by the Chair, Councillor Sills and taken as read.

RESOLVED that the minutes of the Strategic Scrutiny Committee held on 19 November 2020 be received.

71

CUSTOMER FOCUS SCRUTINY COMMITTEE - 3 DECEMBER 2020

The minutes of the Customer Focus Scrutiny Committee of 3 December 2020 were presented by the Chair, Councillor Vizard and taken as read.

RESOLVED that the minutes of the Customer Focus Scrutiny Committee held on 3 December 2020 be received.

72

AUDIT AND GOVERNANCE COMMITTEE - 25 NOVEMBER 2020

The minutes of the Audit and Governance Committee of 25 November 2020 were presented by the Chair, Councillor Wardle, and taken as read.

RESOLVED that the minutes of the Audit and Governance Committee held on 25 November 2020 be received.

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EXECUTIVE - 3 NOVEMBER 2020

The minutes of the Executive of 3 November 2020 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 113 (Building Exeter Back Better – Exeter Covid-19 Recovery Plan)**, the Leader moved and the Deputy Leader seconded the recommendation and it was carried.

In respect of **Minute No.114 (Local Air Quality Management)**, the Leader, in response to queries from Members,

- requested that any detailed questions in respect of the report should be forwarded to the Director Net Zero Exeter and City Management for a response; and
- advised that the Scrutiny Programme Board was responsible for setting the work programme for the Scrutiny Committees and, accordingly, would determine whether a report on the monitoring of the Air Quality Management Plan would go forward to Strategic Scrutiny Committee.

The Leader moved and the Deputy Leader seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No.115 (Review of Policy for Dealing with Unacceptable Customer Behaviour)**, the Leader moved and the Deputy Leader seconded the recommendation and following a vote, the recommendation was carried.

RESOLVED that the minutes of the Executive held on 3 November 2020 be received and, where appropriate, adopted.

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EXECUTIVE - 1 DECEMBER 2020

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

In respect of **Minute No.121 (Members' Allowances 2021/22)**, Councillor Leadbetter, speaking as the Leader of the main opposition group, supported the recommendations.

The Leader moved and the Deputy Leader seconded the recommendations and following a vote, the recommendation was carried.

In respect of **Minute No. 122 (Freedom of the City)**, the Leader advised that this matter was the subject of the Extraordinary Meeting of Council which would follow on from this meeting.

The Leader moved and the Deputy Leader seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 123 (Overview of General Fund Revenue Budget 2020/21 - Quarter 2)**, the Leader moved and the Deputy Leader seconded the recommendations and following a vote, the recommendation was carried.

In respect of **Minute No. 124 (2020/21 General Fund Capital Monitoring Statement – Quarter 2)**, the Leader moved and the Deputy Leader seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 125 (2020/21 HRA Budget Monitoring Report – Quarter 2)** the Leader moved and the Deputy Leader seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 126 (Treasury Management 2020/21 Half Year Update)**, the Leader moved and the Deputy Leader seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 127 (Local Council Tax Support Scheme)**, the Leader moved and the Deputy Leader seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 128 (Future Strategic Planning with East Devon, Mid Devon and Teignbridge District Councils and Devon County Council)**, the Leader reported the following:-

- his regret that it was the proposal for the Council to withdraw from the Greater Exeter Strategic Plan following the decision of neighbouring authorities to no longer participate in the Plan;
- reassured Members that it was now this Council's intention to work with East Devon, Mid Devon and Teignbridge Councils in partnership with Devon County Council to develop a non-statutory plan for the area;
- work had commenced on the preparation of Exeter's Local Plan, with one of the key elements being the provision of additional housing of 12,000 on nine identified strategic sites in the city as part of Liveable Exeter; and
- in response to a Member's question, the likely timescale for bringing forward the Plan was 18 months to two years and would include the review of the Statement of Community Involvement. All Members of the Council would be fully involved in the development of the Plan.

The Portfolio Holder for City Development supported the recommendations and reassured Members that the production of the Plan would involve consultation with local stakeholders and the public as required by legislation and that a report on the scope and timetable for the Plan would be brought to a meeting of the Executive.

The Leader moved and the Deputy Leader seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 129 (Environmental Health and Community Safety Enforcement Policy)**, the Leader moved and the Deputy Leader seconded the recommendation and following a vote, the recommendation it was carried.

In respect of **Minute No. 130 (Amendment to the Street Trading Policy and Terms of Reference for the Licensing Sub-Committee)**, the Leader moved and the Deputy Leader seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 131 (Draft Resource and Waste Management Strategy for Devon and Torbay)** the Leader, in response to a question from a Member in respect of making representations to Devon County Council on the targets within the document for reducing waste and its net zero carbon ambitions, advised that a written answer would be provided on the detail requested.

The Portfolio Holder for City Management reported that the draft strategy was subject to consultation at which point there would be an opportunity to propose changes to the targets.

The Leader moved and the Deputy Leader seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 132 (Review of Safeguarding Policy)**, the Leader moved and the Deputy Leader seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 133 (Review of Equality and Diversity Policy)**, the Leader moved and the Deputy Leader seconded the recommendation and following a vote, the recommendation was carried.

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

The meeting adjourned at 19.12 and re-convened at 19.23.

75 **NOTICE OF MOTION BY COUNCILLOR OLIVER UNDER STANDING ORDER NUMBER 6.**

Councillor Williams, seconded by Councillor Ghusain, moved a Notice of Motion in the following terms as submitted by Councillor Oliver:-

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:

- 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.*

During the debate the following points were made:-

- the Government had made attempts to combat food poverty during the Covid-19 pandemic but the problem had existed before the pandemic and would continue after;
- the research on food poverty as specific and unique to Exeter would be done in partnership with others;
- that the working group should be on a cross-party basis;
- as part of examining food poverty and identifying its root cause it would also be the intention to look at local food supplies;
- hunger impacts adversely on a child's life and education;
- the inclusion of Food Technology/Domestic Science within the school curriculum was also an important element; and
- Devon County Council was distributing £15 vouchers per child per week over the Christmas period.

Councillors Leadbetter and K. Mitchell, as Leaders of both opposition groups, supported the recommendations

Councillor Ghusain, in seconding the Motion, made the following points:-

- to map the nature and extent of food poverty in the city, the working group would involve community groups and associations, food charities and faith groups; and
- the food action plan would need to be developed with other stakeholders and city based partners including Devon County Council and those already involved in providing food aid in the city.

Councillor Williams, as the mover of the Motion, made the following points:-

- thanked all Members for their support;
- referred to a number of organisations she had witnessed when volunteering at the Food Bank and the Hot Food project including Palace Gate, Belmont Church, St. Katherine's Priory and the Beacon Community Centre, the latter running the Hot Food project during the summer, half term and over Christmas;
- the inability to afford to heat food was also an element of food poverty;
- the need to extend the scheme beyond the six supermarkets currently involved;
- thanked those volunteering throughout the city; and
- stressed the importance of an audit process to identify gaps where people are not being supported.

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

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**NOTICE OF MOTION BY COUNCILLOR D. MOORE UNDER STANDING ORDER
NUMBER 6**

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

Council notes:

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

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

- invite Members to support this uncontentious proposal to develop local planning policy on co-living as there is no national planning policy framework;
- such a policy will provide a framework for determining planning applications and will provide guidance for local developers, clarity for communities and can be referenced in the emerging revised community infrastructure levy policy. It will also help to delineate between purpose built student accommodation and co- living;
- local authorities in London and Manchester are bringing forward local policies on co-living in their Local Plan; and
- the practical approaches suggested are to develop the policy by amending Supplementary Planning Policy (SPD) or create new supplementary guidance drawing on aspects of already adopted policy that include relevant features of co-living.

Councillor Morse, the Portfolio Holder for City Management, made the following points:-

- Co-living housing represented a new, emerging housing sector in the UK and developers were showing a growing interest in bringing forward co-living housing in Exeter. Co-living housing was not currently defined in either national or local planning policy;
- work on a new Local Plan for Exeter had commenced and a report setting out the scope and timetable for the Plan would be brought to Executive and Council early in 2021;
- a formal co-living policy would need to come forward through the Local Plan, subject to the outcomes of the Government's recent Planning White Paper. The Local Plan would be subject to statutory public consultation and Member involvement at all stages. Member Governance arrangements were still to be determined, but could involve working groups focussing on specific issues such as co-living housing. As it progressed through statutory stages,

the Local Plan would gain increasing weight in the determination of planning applications; and

- it would not be possible to adopt a SPD on co-living housing until the Local Plan was in place, as SPD's could only amplify adopted policy.

She stated that her Group would not support the preparation of interim planning guidance on co-living housing as it would carry very limited weight in the determination of planning applications as, unlike a Local Plan and SPD, it would not be subject to public consultation and/or Examination by the Planning Inspectorate. Its preparation would also divert resources away from preparing the Local Plan.

Councillor Leadbetter as Leader of the Opposition Group advised that his Group would not be supporting the Motion.

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

- support the Motion and the sentiments expressed by Councillor D. Moore as there is a need for cross party policy in regard to co-living;
- applications had already been received and further applications can be expected before a future Local Plan is agreed and there will also be implications arising from anticipated new planning legislation; and
- it would not be appropriate to continue on a case by case basis and clear planning standards are necessary for those who wish to live in co-living accommodation.

Councillor D. Moore in responding, stated the following:-

- it was disappointing there was not a consensus of looking to develop a policy; and
- it should be possible to develop planning policy now to provide a framework for future decisions by the Planning Committee. By 2024 a number of co-living development applications could be anticipated and, without a policy, it would be difficult for informed decisions to be made

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

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QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER NUMBER 8.

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

- 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"?***

The Domestic Abuse Bill 2020 places a duty on tier one local authorities to provide support to victims of domestic abuse and their children within refuges and other safe accommodation. The Bill also requires tier two councils

(districts) to co-operate with the lead local authority, so far as is reasonably practicable.

Whilst the Council's principal engagement with the planning and implementation of the new Bill is through the Safer Devon Partnership and the review of the Devon wide Domestic Violence and Sexual Abuse (DVSA) Strategy, the Council's statutory duties in respect of housing are currently being met within our adherence to the Devon Homechoice Allocations policy (which has significant preferential measures in respect of DVSA need) and our application to statutory homelessness applications under part 7 of the Housing Act 1996.

In addition, the Housing Needs and Homelessness Service has been working with the Devon County Council Domestic Abuse Service Commissioner on two development agendas as part of the homelessness strategy. The first being a working group with the Devon Districts developing additional places of safety for emergency housing need for DVSA victims (and also perpetrators). The current focus is on a registered social landlord providing accommodation options in districts to add capacity to what districts currently use which is primarily temporary accommodation and/or limited refuge spaces. The second piece of work is an Exeter-focused group of statutory and voluntary agencies assessing need and delivery options for housing and support for women in acute need, for example female rough sleepers with complex needs.

2. *How will Exeter City Council apply and monitor the areas in the Bill that specifically relate to social housing tenants?*

The Housing Tenancy Service has a Housing Anti-social Behaviour Policy; a Domestic Abuse Policy and a Safeguarding Policy and will ensure that they are all compliant with the requirements of the Domestic Abuse Bill. The current review of the Housing Tenancy Strategy and Tenancy Policy will also ensure that these documents are compliant. In particular, where the Council grants a new tenancy to someone for reasons connected with domestic abuse, if they previously had a secure lifetime tenancy, we will grant a new secure lifetime tenancy on the same terms.

All housing policies and procedures are updated on a regular basis and all housing staff have received training in domestic abuse awareness.

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?*

The Exeter, East and Mid Devon Sexual Violence and Domestic Violence and Abuse Forum which is a sub-group of both the Exeter Community Safety Partnership and the East and Mid Devon Community Safety Partnership, comprises representation from children's services, police and specialist service providers among others. It holds regular events for professionals and shares information on current issues. The Policy Officer - Community Safety, Safeguarding and Equality and Diversity co-chairs the forum and also meets regularly with housing colleagues, the Safer Devon Partnership and other forum chairs from across Devon. These groups work together to raise awareness of domestic abuse and the support available and to co-commission additional projects and specialist services where needed

The Housing Tenancy Service has pledged to be part of the Chartered Institute of Housing's "Make a Stand" campaign and this will be widely advertised and promoted both online and via the residents' newsletter "Insight".

4. How will Exeter City Council interact with the Domestic Abuse Partnership (Board)?

The Policy Officer – Community Safety, Safeguarding and Equality and Diversity will represent the Council on the Partnership Board.

5. Can we please have further reports and updates on these specific matters through the scrutiny process?

This request should be referred to the Scrutiny Programme Board.

6. Can we please consider an annual report on domestic and sexual violence and abuse on an Exeter specific basis?

Sexual Violence and Domestic Violence and Abuse is a priority for the Exeter Community Safety Partnership (CSP) currently and for 2021/22. As such regular updates are provided to the CSP Executive. These updates can form the basis of a formal report to Council on an annual basis.

Councillor Hannaford commented on the responses, stating that he hoped that pressures in other areas such as special needs would not impact on the ability to address Domestic Abuse issues.

The Leader confirmed that the issues raised would be considered by the Scrutiny Programme Board.

In accordance with Standing Order No. 8, the following questions were put by Councillor D. Moore to the respective Portfolio Holders.

Air Quality to the Portfolio Holder for Transformation and Environment

1. How much (total amount) of Exeter City Council's budget is being directed to delivering the Air Quality Action Plan both this year (2020-2021) and last year (2019- 2020);

- 2019/20 - £25,365.79; and
- 2020/21 - £26,329.85

2. What grants has the Council applied for to help deliver the Air Quality Action Plan either this year or last?

Exeter City Council supported Devon County Council's bids for the All Electric Bus Town grant (*unsuccessful*) and the E-cargo Bikes grant (*successful*)

Councillor D. Moore put a supplementary question asking what applications would be submitted for the next financial year.

The Leader undertook for a written answer to be provided.

Homelessness to the Portfolio Holder for Supporting People

The Council submitted a bid to Government for £3 million to the Next Steps programme:-

1. What was the outcome of that bid?

Exeter City Council was successful with both short-term revenue funding and with the long-term capital programme.

2. What was the amount of the award?

- **£440,799** – Short-term revenue – this is to pay for continuation of the accommodation provided by the Great Western Hotel, food support, support for laundry costs, repairs, resident support;
- **£1,377,448** – Capital funding to purchase 20 units of accommodation;
- **£432,249** – Capital revenue funding to pay for tenancy related support until 2024;
- **£1,202,003** – Exeter City Council contribution through uncommitted Section 106 funds. We have recently been successful for a further bid under the Move-on Fund to purchase an additional nine units;
- **£502,000** – Capital Funding to purchase an additional nine 9 units;
- **£410,000** – Exeter City Council Contribution through uncommitted Section 106 funds. We have also been successful with a bid towards the Cold Weather Fund; and
- **£50,000** – Extended winter provision offer for rough sleepers. Accommodating 15 rough sleepers from December until the end of March.

3. How many schemes and units does this funding represent?

In total there will be 29 units of accommodation made up of the following:

- 5 Self Contained Flats;
- 11 Bed Houses in Multiple Occupation (HMO) with a self-contained property (10 rooms with ensuite facilities and shared kitchens);
- 1x Self Contained property and 3 Bed HMO with shared facilities; and
- 6 Bed HMO with Shared Facilities and a 3 Bed HMO.

4. Will these be delivered by the end of March 2021?

All efforts will be made to bring the properties online by the end of March 2021.

Consultations to the Portfolio Holder for Council Housing Development and Services

1. What public consultations or engagement processes will Exeter City Council be undertaking itself or promoting in partnership with other bodies or authorities between January and April 2021?

On the subject of public consultation and engagement between January and April 2021, the Housing Service will commence our STAR (Survey of Tenants and Residents) project.

We also intend to undertake a resident survey related to our new-build programme before the end of the financial year as well as engagement work around our plans for the Retrofit of council housing; these will be carried out in-house.

2. For each of the Housing Needs Survey and the Tenant Involvement Survey:

Part 1 Housing Needs Survey consultation:-

a. How many responses were received?

2,315 responses were received from the 16,000 paper surveys that were sent out.

b. Will the Council publish feedback to participants and/or communities of the key findings?

There were no plans to provide feedback.

c. Will the Council set out how respondents' views and experiences will or have been taken into account in decision making?

Whilst some residents received the survey and completed it, we did not commit to or plan to share the results as it is intended for internal use only.

d. What was the cost of undertaking each survey?

The total cost of producing the Housing Needs Report was £29,950 + VAT, this was paid for by commuted sum (Section 106 developers' contributions) and not by the HRA. It is not possible to say exactly what the cost of the actual survey was but it would have been a substantial part of the overall cost of the exercise.

Part 2: Resident Involvement Survey:-

- a. 555 Residents and leaseholders responded to the Resident Involvement Survey;
- b. The results of the Resident Involvement Survey will be included in a report being prepared for Executive which outlines the process for developing a new Resident Involvement Strategy; and
- c. The cost of sending the Resident Involvement Survey to all our tenants and leaseholders was £3,405.13 +VAT.

Part 2: Resident Involvement Strategy Consultation: -

- a. There were 25 responses to this online consultation;
- b. The feedback has been used to refine the Resident Involvement Strategy which will be brought to Executive Committee in the New Year; and
- c. No costs incurred as the project was carried out in-house.

(The meeting commenced at 6.00 pm and closed at 8.15 pm)

Chair

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

Tuesday 15 December 2020

Present:-

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

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APOLOGIES

Apologies for absence were received from Councillors Lyons, Newby and Oliver.

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HONORARY FREEMAN - GARETH STEENSON

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

Freedom of the City – Gareth Steenson

RESOLVED that, in pursuance of its powers under Section 249 of the Local Government Act 1972, the Council do confer on Gareth Steenson Freedom of the City Status in recognition of his gaining national and international recognition for his rugby playing career with Exeter Chiefs.

[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 8.16 pm and closed at 8.20 pm)

Chair

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PLANNING COMMITTEE
(HELD AS A VIRTUAL MEETING)

Monday 14 December 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, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (HS), City Development Consultant, Democratic Services Officer (MD), Democratic Services Officer (HB) and Democratic Services Officer (SLS)

89

MINUTES

The minutes of the meetings held on 26 October and 16 November 2020 were taken as read and approved as correct for signing by the Chair at the earliest convenience.

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DECLARATIONS OF INTEREST

Members declared the following interests:-

COUNCILLOR	MINUTE
Councillor Morse	Min. No. 92 - disclosable pecuniary interest
Councillor Bialyk	Min. No. 93 - disclosable pecuniary interest
Councillor Foale	Min. No. 93 - non pecuniary interest
Councillor Ghusain	Min. No. 93 - non pecuniary interest
Councillor Hannaford	Min. No. 93 - non pecuniary interest
Councillor Harvey	Min. No. 93 - non pecuniary interest
Councillor Wright	Min. No. 93 - non pecuniary interest

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**PLANNING APPLICATION NO. 20/0938/FUL - LAND AT CORNER OF
RETREAT DRIVE AND EXETER ROAD, TOPSHAM**

The Assistant Service Lead (City Development) presented the application for the construction of a commercial building extending to 2,820sqm (GIA) for the flexible use of Class E (Commercial, business and service uses, excluding sub class E(g)(iii) Industrial processes), access, car and cycle parking, landscaping and associated infrastructure

The Assistant Service Lead (City Development) provided a description of the site and the development and went through the site location plan, views of the site including aerial views, and photographs showing the relationship with the Chasee development and the M5 motorway bridge, including a photo from the motorway itself. He ran through the footprint and floor plans with CGI images also shown. He provided detail of previously approved schemes including a residential scheme and a smaller office development. The current proposal covered a larger footprint than

the previous office application.

He referred to the following key issues:-

- the principle of development;
- the Topsham Gap;
- the scale, design, impact on character and appearance and impact on amenity of surroundings, the design being acceptable to the Design Review Panel and with a Green Wall to be provided;
- parking for 46 car parking spaces, 46 cycle spaces, 10 co-bikes and 2 co-cars;
- access and impact on local highways and parking provision;
- sustainable public transport links; and
- landscaping and sustainability and ecology, the scheme to be developed to being BREEAM excellent standard.

He also referred to the following:-

- consultee responses from Devon County Council, Environmental Health, the Flood Authority, Highways England and the RSPB and associated conditions requested;
- 44 objections had been received including from the Topsham Society and the Ministry of Defence;
- two further representations (one from the Topsham Society) including reference to road surfacing, increased traffic and parking and the scale of the development. The initial objections had been summarised in detail in the officer report; and
- the applicant was not obliged to make public the comments of the Design Review Panel but it, together with all other representations received, were published on the website.

The following responses were given to Members' queries:-

- the applicant had reduced the height of the building taking away much of the top floor so there would be little significant impact from the motorway; and
- on a previous appeal the Inspector had considered the principle of development and had concluded that the site was suitable for a substantial building.

David Burley spoke against the application. He raised the following points:-

- the site was a recreational-amenity space for the adjacent Chasse development but has been subject to repeated applications;
- the Topsham Society highlight that the proposal is vast, equivalent to the Ashfords Building on Honiton Road. Whilst that faces a dual carriageway, the application site is in a quiet, private residential tree lined road and intrudes deeply into this quiet and small scale setting;
- the building is not proportional to the M5 embankment. It exceeds the height of the motorway by nearly 9 metres;
- it is 6.7 metres higher than the highest eaves of the adjacent Chasse and is over-scaled. It tries to turn a quiet residential area into a Business Park;
- there is a fundamental impact on the character of Retreat Drive";
- the Design Review Panel report is not in the public domain and the Panel was mainly commenting on the building as an object, not in context, and the conclusions are of limited worth;
- parking provision is 30-50% below the City Council's normal standard and is unacceptable for an isolated location where more, not less users, will travel by

- car and overspill into adjoining streets;
- recent residential cramming around Topsham is due to a policy drive to address a housing shortfall but no such driver exists for offices and it is questionable if demand remains in light of Covid-19;
- the current boatyard is small scale, serving a local need whilst the proposal is vast and over scaled; and
- Topsham Society request the rejection of this damaging, merit-less, profit first, proposal.

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

- application has been the subject of extensive consultation and will provide a zero carbon, sustainable work environment with a wide range of potential uses and be within easy walking or cycling distance for a large number of people who will work in the building;
- have consulted with the Planning Member Working Group and the Design Review Panel;
- the aim is to build one of the first Zero Carbon flexible, commercial building in Exeter to cater for a wide variety of employment uses such as a Dentist's or Doctor's consulting rooms, small businesses and general office use as it can be divided into a wide range of space sizes;
- it will be heated by either Ground Source or Air Source Heat Pumps, with extensive PV Solar panels and battery storage to make it carbon neutral;
- the external design breaks the building into smaller individual blocks using a variety of natural materials;
- the Fitness Studio and "Well Being Suite" on the top floor will focus on health and wellbeing of the people who will work in the building with a range of non-work activities and training to be provided. Electric co-bikes will be provided both for employees and local residents, as well a large number of cycle parking bays and a network of Electric Car Charging points; and
- the building will be a front runner in integrating sustainable employment space in a fully flexible zero carbon building and it will allow people to work close to where they live without travel into the City Centre or an out of town business park.

He responded as follows to Members' queries:-

- whilst many offices in Exeter have been designed with large scale open plan space, this development can be subdivided into flexible, smaller units/blocks so can be split up to accommodate the various needs identified;
- the building is screened by trees which are higher than the motorway so the motorway will not be impacted. In addition, the top floor is lower than the adjacent buildings with approved consents;
- the whole building will have an air filtration system which will filter out air pollutants;
- neither Highways England or Devon County Council have expressed concern regarding the design of the building in respect of potential light intrusion onto motorists on the highway. The top floor has few windows on the motorway side; and
- the proposal was changed to a larger footprint as land was purchased from the adjacent boatyard which no longer requires part of its land.

Members expressed the following views:-

- application provides a flexible, multi-use site and will help future proof Exeter's economy and also includes community and medical use in a growing part of the

city;

- it is a sustainable development as it provides an employment hub and should reduce car journeys for workers in to Exeter;
- it has a previous consent for an office building;
- the sustainable nature of the development is welcome with car parking spaces located underneath the building; and
- it is on a main bus route and is not therefore a remote, inaccessible location. It is easily accessible for cyclists given the flat nature of the approaching roads and with a number of different routes from the city centre.

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

The recommendation was moved and seconded and carried.

RESOLVED that planning permission for the construction of a commercial building extending to 2,820sqm (GIA) for the flexible use of Class E (Commercial, business and service uses, excluding sub class E(g)(iii) Industrial processes), access, car and cycle parking, landscaping and associated infrastructure be **APPROVED**, subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 23 July 2020 (including dwg. nos. 1420 PL06L (first and second floor plans), Archaeological assessment, Sustainability statement, and Acoustic screening assessment), 11 September 2020 (dwg. nos 1420 PL04E (landscape plan), 1420 PL05N (GF plan)), 10 November 2020 (dwg. nos. 1420 PL07 rev O (3rd and 4th floor plan), 1420 PL08M (SE and NE elevations)), 20 November 2020 (dwg. nos 1420 PL03K (site plan), 1420 PL09K (SW and NW elevations), 1420 PL10H (cross section AA), 1420 PL12F (cross section BB), 1420 PL13F (cross section CC), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) 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 approved Flood Risk Assessment and Drainage Strategy.
 - (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) Evidence there is agreement in principle from South west Water to connect into their system.No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) 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 the site layout is fixed.

- 4) Pre-commencement condition: Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement prior to occupation of the development. Reason for pre-commencement condition: To protect occupiers of the building, and nearby residents from excessive noise. The details are needed prior to the start of work as the acoustic report may require changes to the design details.
- 5) Pre-commencement condition: Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve a BREEAM excellent standard (minimum 70% score) as a minimum. Prior to commencement of development of such a building, 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 for pre commencement condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.
- 6) Pre-commencement condition: Prior to the commencement of development, details of the provision for integral bird boxes shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.
Reason for pre-commencement condition: In the interests of preservation and enhancement of biodiversity in the locality. These details are required prior to commencement of the development to ensure that they are delivered in the construction.
- 7) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local

Planning Authority. The Statement shall provide for:

- a) Details of access arrangements and timings and management of arrivals and departures of vehicles
- 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 monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration 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 LPA.

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

Reason for pre-commencement condition: In the interests of highway safety and public amenity including the occupants of nearby dwellings.

- 8) Pre-commencement condition: Prior to commencement of the development, details shall be submitted to the Local Planning Authority of the exact location of the tree and materials used on the highway (of the corner of Retreat Drive/Exeter Road). Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Highway Authority, and prior to commencement the development, details shall be provided in accordance with the submitted details.

Reason for pre-commencement condition: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and ECC Core Strategy CP9. This information is required before development commences to ensure that the proposals are properly considered and addressed at the earliest possible stage.

- 9) 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.

- 10) 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: 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.
- 11) 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.
- 12) Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning General Development Order 2015 (or any Order revoking or re-enacting that Order) and the Town and Country Planning Use Classes Order 1987 or any Order revoking and re-enacting that Order, the site shall not be used for residential use without the formal consent of the Local Planning Authority.
Reason: To enable the Local Planning Authority to retain control over the use, to consider residential amenity, and to prevent the loss of commercial units in this area.
- 13) 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 development shall take place 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.
- 14) 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.
- 15) No part of the development hereby approved shall be brought into its

intended use until the vehicular access point, vehicular turning head and footway/cycleway adjacent to Retreat Drive as indicated on Drawing Number "1402/PL05 Rev O" has been 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.

- 16) No part of the development hereby approved shall be brought into its intended use until a 3m effective width footway/cycleway adjacent to Exeter Road as indicated on Drawing Number "1402/PL05 Rev O" has been 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

- 17) No part of the development hereby approved shall be brought into its intended use until the Parking bays for a two Co-Cars and space for a 10 Co bikes and associated docking station (together with electricity supply to both elements) as indicated on Drawing number "1402/PL05 Rev O" has been provided 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

- 18) No part of the development hereby approved shall be brought into its intended use until the secure sheltered cycle parking spaces as indicated on Drawing number "1402/PL05 Rev O" has been provided 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) A comprehensive Framework Travel Plan/Car Park Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the development. The approved travel plan measures will be implemented to the satisfaction of the Local Planning Authority.

A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority thereafter.

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

- 20) Prior to installation, details of the green wall shall be submitted to and approved in writing by the Local Planning Authority. Upon written approval of the details, the green wall shall be fully implemented as part of the development and retained thereafter.

Reason: In the interests of enhancement of biodiversity, and sustainable development.

PLANNING APPLICATION NO. 20/0691/FUL - CLIFTON HILL SPORTS CENTRE, CLIFTON HILL, EXETER

Councillor Morse declared a disclosable pecuniary interest and left the meeting during consideration of this item.

The Principal Project Manager (Development) (HS) presented the application for the demolition of existing sport facility and rifle range and re-development of the site to provide 42 new dwellings, associated car parking, amenity space and access.

The Principal Project Manager (Development) set out a detailed description of the application and went through the site location plan, views of the site including aerial views, site levels and photographs of the existing site and its context with adjacent buildings, layouts, floor plans, and sections. His presentation covered additional revised plans received after the publication of the report.

The Principal Project Manager (Development) highlighted the following key issues:-

- the principle of development;
- transport;
- heritage conservation and environment;
- design and affordable housing;
- impacts on existing occupiers; and
- economic benefits and CIL/Section 106.

The Principal Project Manager (Development) referred to the following:-

- a Tree Preservation Order had been made for the site;
- two additional representations received, one regarding the impact on the green space and the access to the properties to the rear of Clifton Hill and the other to the inadequate mitigations measures for the loss of landscaping;
- additional comments received since the publication of the update sheet from the Arboricultural Consultant reinstating his preference for compensatory landscaping on the south west boundary, and on site landscaping scheme mitigation measures still being considered inadequate;
- an updated plan condition, and a proposed additional condition 26 in the update sheet and a new condition 27 to reflect the comments of the Arboricultural Consultant to refer to a revised Arboriculture Method Statement to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development;
- a viability report in respect of the proposed affordable housing being provided by Plymouth City Council; and
- corrections to the report to show the number of units as 42 not 44 by the removal of two five-bed houses for a total of 11 not 13 such houses and therefore 31 not 33 houses in total on pages 92 and 112, to refer to flats being four storey on page 92, and to delete co-living on page 114.

The Principal Project Manager (Development) concluded by highlighted the following key elements:-

- the site is a brownfield site within the urban area in a sustainable location close to a range of services;
- the principle of housing is acceptable as leisure provision in the area was still considered adequate, with the St Sidwell's Point shortly to be opened;

- the development would make a positive contribution to the Council's five year housing land supply which was deficient;
- there was a presumption in favour of sustainable development;
- cycle parking and parking on the site was acceptable;
- reduction in the number of units by two was made for privacy reasons;
- the proposal is acceptable in its design and general visual impact, including its impact on the Conservation Area and the Locally Listed Building and supported by the Design Review Panel;
- the proposal is not considered to be of any significant harm to residential amenity of nearby residential properties;
- the private amenity space was well related to dwellings and the dwellings have a positive relationship with green spaces immediately adjacent to the benefit of amenity of occupiers;
- the scheme will provide 11 affordable dwellings, being 26% of buildings on the site, through seven two bed and one four bed flats considered to be a good offer with a viability assessment to be provided by Plymouth City Council;
- the proposals, through replacement planting on-site and contributions to the improvement of off-site green spaces including tree planting off site, are considered to adequately compensate for the loss of trees on site, the latter to be achieved through a proposed Grampian condition;
- £70,000 contribution to opens space enhancements;
- secondary educational contributions of £138,000; and
- no material considerations which it was considered outweigh the above and would warrant refusal.

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

- conditions included a requirement for the properties to be single dwellings in accordance with Use Class 3 and also would not therefore become Houses in Multiple Occupation (HMO);
- three parking spaces would be allocated for the 11 unit block of flats, near to the listed brick office to include disabled parking with secure cycle shelter for 12 cycle parking spaces;
- to enable all parking spaces on the site to be provided with EV charging points a two metre squared enclosure would be provided to serve as a sub-station;
- the amendment to the additional proposed condition 27 in the update sheet in order to reflect the recent receipt of a method statement - for the final details of the statement to be subject to approval in writing by the local planning authority;
- the distances between the main house and annex varied between 7 and 13 metres;
- 17 trees were to be removed to be replaced with 22 on-site and with a Grampian condition to provide additional trees off site in consultation with the Arboricultural Officer;
- one of the dwellings amenity space fully met the Residential Design Guide Standards. 14 met the standards set by precedent elsewhere, and a further 15 would meet the standard if guidance on split amenity space was set aside; and
- there were other schemes with an amenity space below the standard 55 metres in the city. Reduced garden sizes could be more appropriate for smaller rather than larger homes and this approach was considered appropriate in light of the five year housing supply and the proximity of amenities including Belmont Park, and Clifton Hill green space.

Councillor Atkinson, having given notice under Standing Order No. 44, spoke on the item. She was speaking in a personal capacity as a local resident living at the

other end of Belmont Road, and had participated in the community engagement process. She raised the following points:-

- pleased that the Council did not pursue the sale of the land to a private developer to maximise the capital receipt from such a sale;
- the development greatly enhances the local community and will provide much needed family homes and social housing;
- Exeter City Living (ECL) had engaged fully with the community and key individuals and stakeholders with a public consultation event attended by over 80 local residents with a dedicated project web site;
- the development would be built to Passivhaus standards to provide low energy and low carbon solutions. In 2019, only 127 Passivhaus homes were completed in the UK and only 10 in 2020, all in Exeter;
- carbon emissions would be reduced therefore contributing to the Council's ambition to achieve Net Zero Carbon by 2030. The hot water strategy used ground source heat pump technology despite this technology being significantly more expensive. It was a climate ready proposal;
- it provided a high quality green infrastructure, likely to be the first certified development delivered in the Exeter in its support for bio diversity;
- close access to the Belmont Park and green space next to the site;
- all houses built to recognized standard for the healthy living environment;
- 11 social rented homes for the over 60's identified as a specific need during public consultation and there would be a diverse mix of family homes for children and apartments for older people;
- developer will invest £70,000 in openspace enhancement and for the upgrade of Belmont Park; and
- highways works include sustainable transport measures, a cycle hub station and a car club space with charging infrastructure.

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

- thank ECL for updating ward councillors and public consultation;
- welcome many aspects including Passivhaus standards, much needed residential accommodation close to the city centre, provisions for the wildlife, access to back of Portland Street homes retained and return of profits to the Council;
- as a City Council's own development delivery company, a higher standard should have been set to fully meet Council policies;
- although the intention was to 'build with nature', 17 trees are to be removed and the proposed tree planting does not adequately mitigate for this loss, a view shared by Tim Arkell, a local Tree Warden, with the Arboriculturalist, engaged by the developers stating that the proposed development will have a moderate adverse impact;
- the landscape design should be reviewed by the developer. Many of the trees proposed for mitigation are small and short lived varieties with plans for tree planting to be judged on their resilience after 10 or 50 plus years;
- proposals do not meet the recommendations in the Residential Design Guide which sets a minimum garden size of 55 square metres for dwellings;
- the development does not provide 10% level open space with play space and residents are likely to use Belmont Park and the green space at the back of the development. The former is heavily used and the latter a wildlife haven;
- the Green Street may not live up to the images provided;
- the development will be overly dense, negatively impact the trees on the site and provide insufficient garden and open outside space; and
- request that the application be deferred for further revisions.

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

- thank the Council for saving the green space on the Clifton Hill site in spite of potential revenue generation by the sale. Newtown residents saw greater value in its contribution to the city's environment, offsetting air pollution and supporting carbon reduction, and in a ward where health and wellbeing outcomes are challenging and leisure and amenity at a premium;
- thank ECL for working with residents to address concerns;
- new family homes and affordable and social housing are needed in light of forthcoming student and co-living accommodation in Newtown;
- positive aspects include a Passivhaus environmental design, the Green Street, retention of the locally listed old brickworks building, the limited parking allocation and focus on cycling and pedestrian travel, excellent public consultation and the conditioned financial contributions to the green space and Belmont Park;
- anxiety remains in Portland Street about the proximity and height of the development particularly the annexes;
- the tree issue has been highly emotive with Tim Arkell providing helpful technical comments. Existing trees were not initially acknowledged as being a constraint to development and the majority will be removed. Trees bordering the site will be damaged by construction impacts. The retained Yew Tree at the front of 29 Clifton Hill will be damaged by construction activities;
- the Clifton Emery Softworks Plan shows 24 new trees but 11 are large shrubs and the quantum of mitigation for tree loss remains well below the standards used by other Local Planning Authorities;
- no compunction to provide off-site tree planting as mitigation and no guarantee of additional planting on the green space or of funding for their management;
- Members need to be assured that the remaining trees will be protected and should request a detailed report on tree protection; and
- all outstanding concerns should be addressed prior to determining the application

Keith Lewis spoke against of the application. He raised the following points:-

- Civic Society supports the re-development of this site for residential use but feel it fails to accord with the City Council's residential design guide;
- the design of many homes is very unusual, with limited outside space, poor use of the site, and many homes with annexes which could result in secondary occupations. A condition is required to ensure the homes remain as single family dwellings;
- the applicant advises that the lack of garden space is offset by the proximity of Belmont Park, but a recommendation for a crossing point across Clifton Hill has not been pursued;
- it is unacceptable that block eight for eleven flats and block three for four homes are located close to mature trees to the south east of the site which will need to be significantly lopped and boundary walls are within the root protection area. The blocks could be moved away from the trees. The City Council's Arboriculture Officer has objected to the proximity of buildings to the trees;
- submitted plans do not explain the three major revisions made; and
- the application is a poor reflection on the City Council and ECL and should be refused or recommended for significant amendments.

Responding to a Member, he advised that the membership of the Exeter Civic

Society totalled 240.

Emma Osmundson spoke in support of the application. She raised the following points:-

- speaking on behalf of Exeter City Living Ltd (ECL) as its Managing Director, ECL being a public sector owned developer building a number of developments across the City offering a range of social homes for Exeter families, all designed to provide healthy places for people to live, with low energy demand and sympathetic to surroundings, whilst displaying character and individuality;
- the development is of high quality design and layout to deliver 42 dwellings comprising a mix of 1, 2, 4 and 5 bedroom homes. Many of the homes have been designed with multi-generational living in mind;
- the South West Design Review Panel are supportive of the design;
- includes a Green Street through the centre of the development of biocultural benefit to residents connecting Belmont Park with the open green space on Clifton Hill which, in addition to providing a healthy corridor, will improve surveillance to the area, which currently experiences anti-social behaviour;
- the new trees planted have been selected for their future climate resilience and for promoting wildlife and biodiversity. The new development has been designed in order to obtain Building with Nature accreditation which is the UK's first green infrastructure benchmark - likely to be a first for Exeter;
- extensive community consultation undertaken. Appropriate setback distances from the site boundaries have been maintained to protect residential amenities of adjoining properties;
- no objections from statutory consultees including Devon County Highways and the Environment Agency;
- the proposals accord with City Council affordable housing policy, taking into account vacant building credit and delivers 26% affordable housing, all as social rent; and
- the development will contribute towards the Council's five year housing land supply.

She responded as follows to Members' queries:-

- comments of the Tree Officer have been satisfactorily resolved. Some trees had to be removed to develop the site and necessary mitigation measures undertaken. Those trees to be removed have low arboriculture impact, and will be replaced by 22 new, climate resilient trees with an additional 17 fruit trees in the private gardens;
- special protection during construction will be provided for the Yew Tree at the entrance of the site being some 300 years old;
- advised less than 20% of root zone excavation of trees
- trees will be planted above the stone wall planters in the Green Street with an irrigation system to provide longevity for the trees;
- a service charge provision, with a sinking fund, is provided to enhance the landscaping including the Green Street and the trees, particularly those on the south west boundary, will be maintained on a five year cycle;
- adopting Building With Nature Accreditation Standard to ensure bio-diversity across the site and on target to meet accreditation;
- ECL has to act in a value for money way and has looked to optimise the site having regard to the constraints. Whilst a private developer would look to a minimum return of 25%, ECL has focussed on the key elements of affordable family homes and quality green space including the Green Street so accepted a reduced return on investment in the development. A private developer would be likely to reduce open space and not integrate two service roads in the

- development;
- accommodation is in proximity to trees as a degree of density was necessary to ensure viability and with regard to the Council's Climate Change strategy solar shading can be achieved in the summer;
- design incorporates climate mitigation measures and enhanced biodiversity with a green corridor connecting the open space with Belmont Park;
- the latest Tree Warden comments have been addressed satisfactorily;
- mix of dwelling driven by viability with six different iterations examined. Current demand suggests a requirement for larger family homes including five bed properties. Original scheme did have more four bed homes, amenity space constraints resulting in a slight reduction in the number of properties but more five bed homes. The annexes meet modern day aspirations of multi-generational living, such as home working, older generation downsizing and young people moving back in.

Members expressed the following views:-

- welcome mix of dwellings meeting people's needs and avoiding uniformity and taking account of bio-diversity. Additional mitigation measures would have been welcome but not possible to meet all requirements. Provides good quality development with regard to carbon neutral goals;
- welcome the thorough consultation undertaken by the developer;
- development is very close to city centre amenities and the tree mitigation measures reflects City Council policy of planting 10,000 trees in 10 years;
- confident views of the Arboricultural Officer will be taken into account
- to meet the Net Zero Carbon 2030 target different design homes are necessary include higher density developments with the buildings themselves also higher and reduced parking;
- this higher density reflects the existing character of Newtown and could not have gone anywhere else;
- good provision of affordable housing; and
- welcome the principle of the development focussing on high quality, affordable homes and not seeking to maximise profit.

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 amended condition 2, additional condition 26 and a new condition 27 and the completion of a viability appraisal report in respect of affordable housing provided by Plymouth City Council.

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

RESOLVED that,

A) Subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) to secure the following:

- affordable housing for social rent comprising seven two-bed and four one-bed flats one of which is disabled accessible standard;
- open space enhancement contributions totalling £70,000;
- secondary education contribution of £138,791;
- highways works, sustainable transport measures, including cycle hub station and car club space with charging infrastructure, and Traffic Orders

(All Section 106 contributions will be index linked from the date of resolution.)

the Service Lead (City Development) be authorised to **APPROVE** planning permission for the demolition of existing sport facility and rifle range and redevelopment of the site to provide 42 new dwellings, associated car parking, amenity space and access, subject also to the receipt of a satisfactory viability appraisal report in respect of affordable housing from Plymouth City Council and to the following conditions (and their reasons) which may be amended:

- 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. The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority.

- 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
Updated Revised General Arrangement Plan 190908 L 02 02 revision F received 4/12/2020
Updated Revised Boundary Treatment Plan 190908 L 02 03 revision E received 4/12/2020
Updated Revised Refuse Strategy 190908 L 02 04 revision D received 4/12/2020
Updated Revised Vehicular Parking Strategy 190908 L 02 05 revision D received 4/12/2020
Revised Floor Plans Block 01 Drg 100 rev A received 17/11/2020
Revised Sections Block 01 Drg 110 rev A received 17/11/2020
Revised Elevations Block 01 Drg 120 rev A received 17/11/2020
Revised Floor Plans Block 02 Drg 200 rev A received 17/11/2020
Revised Sections Block 02 Drg 210 rev A received 17/11/2020
Revised Elevations Block 02 Drg 220 rev A received 17/11/2020
Revised Floor Plans Block 03 Drg 300 rev A received 17/11/2020
Revised Sections Block 03 Drg 310 rev A received 17/11/2020
Revised Elevations Block 03 Drg 320 rev A received 17/11/2020
Revised Floor Plans Block 04 Drg 400 rev A received 17/11/2020
Revised Sections Block 04 Drg 410 rev A received 17/11/2020
Revised Elevations Block 04 Drg 420 rev A received 17/11/2020
Updated Revised Floor Plans Block 5-7 Drg 501 rev A Received 3/12/2020
Revised Floor Plans Block 5-7 Drg 502 rev A received 17/11/2020
Revised Sections and Visualisation Block 5-7 Drg 510 rev A received 17/11/2020
Revised Elevations Block 5-7 Drg 521 rev A received 17/11/2020
Revised Elevations Block 5-7 Drg 522 rev A received 17/11/2020
Revised Floor Plans Block 8 Drg 800 rev A received 17/11/2020
Revised Sections and Visualisation Block 8 Drg 810 rev A received 17/11/2020
Revised Elevations SW Block 08 Drg 821 rev A received 17/11/2020
Revised Elevations NE Block 08 Drg 822 rev A received 17/11/2020
Revised Floor Plans Block 09 Drg 900 rev A received 17/11/2020
Revised Sections Block 09 Drg 910 rev A received 17/11/2020
Revised Elevations Block 09 Drg 920 rev A received 17/11/2020
Boundary Test Sections Sk004 1-3 rev B received 17/11/2020
Boundary Test Sections Sk004 4-5 rev B received 17/11/2020
Boundary Test Sections Sk004 6-8 rev B received 17/11/2020
Boundary Test Sections Sk004 9-10 rev B received 17/11/2020
Revised Street Elevations 020 rev A received 17/11/2020
Revised Street Elevations 021 rev A received 17/11/2020

Updated Revised Softworks Plan revision E received 4/12/2020
Updated Revised Softworks Schedule revision C received 4/12/2020
As modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.

- 3) Pre commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of archaeological monitoring on-site, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason for pre commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
- 4) 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 building operations are carried out in a sustainable manner.
- 5) 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.
- 6) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure sheltered cycle parking (including electric bicycle parking) for the development. Development shall not be commenced until such details have been agreed in writing by the Local

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

reason: To provide adequate facilities for sustainable transport

- 7) A detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared, and is subject to the approval in writing of the LPA. The scheme must be based on the findings in South West Geotechnical Ltd.'s Geotechnical and Geo-Environmental Assessment (report no.: 12072 V3, date: October 2020) (including any additional data obtained after that report was submitted) and must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the LPA. Following completion of measures identified in the approved remediation scheme and prior to occupation of the development, a verification report must be produced that demonstrates the effectiveness of the remediation carried out and provides confirmation that no unacceptable risks remain, and is subject to the approval in writing of the LPA.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the LPA. An investigation and updated risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be produced and approved in writing by the LPA.

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: No development shall take place until a Construction and Environment Management Plan CEMP has been submitted to and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
- a. There shall be no burning on site during demolition, construction or site preparation works;
 - b. Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
 - c. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.

The CEMP 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.

The CEMP should include details of access arrangements and timings and management of arrivals and departures of vehicles.

The approved CEMP shall be adhered to throughout the construction period.

Reason for pre-commencement condition: In the interests of the occupants of nearby buildings. 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.

- 9) The following additional details shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall subsequently be implemented on site:
- Details of the boundary treatment on the boundary with the rear of properties on Portland Street.
 - Details of the alternative arrangement of substation, covered and secure cycle spaces, car parking spaces and landscaping details adjacent the retained - Brick Office building.
 - Details of works to the Brick Office building.
 - A detailed specification and method statement for all works within the identified root protection zones of the retained trees.
- Reason: In the interests of controlling these details which are not submitted in detail as part of the application.
- 10) No part of the development hereby approved shall be brought into its intended use until the access points onto Clifton Hill, as indicated on Drawing No. 190908 L 02 02 Rev D have been provided in accordance with details and specifications that shall previously have been submitted to, agreed 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 Paragraphs 108/110 of the NPPF and CP9 of the ECC Core Strategy
- 11) No part of the development hereby approved shall be brought into its intended use until a club car parking and a club-bike docking station (together with electricity supply to both elements) as indicated on Drawing No. 190908 L 02 02 REV D, or such other location as may subsequently be agreed in writing, has been provided 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.
- 12) Prior to occupation of the development hereby permitted, a travel pack/car park management plan shall be provided informing all residents of walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate, the form and content of which shall have previously been approved in writing by the Local Planning Authority.
- Reason: To ensure that all occupants of the development are aware of the available sustainable travel options, in accordance with Paragraph 111 of the NPPF
- 13) Any gates that provide access to rear gardens must be capable of being locked from both sides. All external doors and accessible windows should as a minimum standard comply with the requirements of Approved Document Q (ADQ) of the Building Regulations and/or Secured by Design (SBD) standards as set out in Secured by Design Homes 2019.
- Reason: In the interests of reducing opportunities for crime.

- 14) 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
Reason- To protect controlled waters.
Reason - The proposed development site is located on a historic landfill site. This presents a risk of contamination that could be mobilised during construction to pollute controlled waters.
- 15) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 16) Notwithstanding the submitted plans 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.
- 17) 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.
- 18) 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.
- 19) No building hereby permitted shall be occupied until surface water drainage works broadly in accordance with the Preliminary Drainage Strategy (Drawing No. PDL 101 Rev C dated 16.11.2020) have been implemented, and any connection to the Surface Water Sewer having been put in place, in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface

water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority.

The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of sustainable drainage.

- 20) The development hereby approved shall only be undertaken in accordance with the recommended mitigation measures set out in the Unexploded Ordnance Risk Assessment dated 5th February 2020.

Reason: In the interests of human health.

- 21) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-
Part 1, Class A extensions and alterations
Part 1, Classes B and C roof addition or alteration
Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwellinghouse.

Reason: In order to protect residential amenity and to prevent overdevelopment.

- 22) Prior to occupation of the dwellings with which they are associated each of the parking spaces and garages shown on the approved plans shall be fitted with electric vehicle charging points.

Reason: In the interests of sustainable development and air quality.

- 23) Before commencement of construction of the superstructures of the development hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

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

- 24) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at

least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.

Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.

- 25) The dwellings hereby permitted shall each only be occupied as single unit of accommodation within Use Class C3 (dwelling houses).

Reason: For the avoidance of doubt and to prevent the creation of an additional separate dwellings or the occupation as Houses in Multiple Occupation without that being considered by the Local Planning Authority.

- 26) Prior to commencement of any works on site (including any ground clearance, tree works or demolition) a detailed scheme of off-site replacement tree planting, together with a programme for implementation shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved programme thereafter.

Reason for the pre-commencement condition: In the interest of further mitigating the impacts of development on trees and protecting the amenity of the area.

- 27) The development hereby permitted shall only be carried out in accordance with an Arboriculture Method Statement that shall have been submitted to and agreed in writing by the Local Planning Authority prior to commencement of development on site.

Reason: To ensure the protection of the retained trees during the carrying out of the development and protecting the amenity of the area.

Informatives

- 1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to 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).

- 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.
- 5) Movement of waste off-site - The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

https://www.gov.uk/uploads/system/uploads/attachment_data/file/waste-duty-care-code-practice-2016.pdf

and further **RESOLVED** that,

- B) the Service Lead City Development be authorised to **REFUSE** planning permission for the reasons set out below if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed within six months of the date of this Committee 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 Affordable Housing, Open space contributions, highways works, sustainable transport measures and Traffic Orders 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, Exeter Local Plan First Review 1995- 2011 saved policies, L4, T1, T3, DG5, 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.

**PLANNING APPLICATION NO. 20/1421/FULL - THE COTTAGE, REDHILLS,
EXETER**

Councillor Bialyk declared a disclosable pecuniary interest and left the meeting during consideration of this item and for the other items on the agenda.

Councillors Foale, Ghusain, Hannaford, Harvey and Wright declared non-pecuniary interests and left the meeting during consideration of this item.

The Assistant Service Lead (City Development) presented the application for a first floor extension to form a new bedroom. He provided a description of the site and referred to the following key issues of the principle of development, scale, design, impact on character and appearance and impact on amenity of surroundings.

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

The recommendation was moved and seconded and carried unanimously.

RESOLVED that planning permission for a first floor extension to form new bedroom be **APPROVED**, subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority, these drawings are as follows:
 - Amended Location Plan - Date Received: 05/11/2020
 - Amended Site Plan - Date Received: 05/11/2020
 - Proposed Ground Floor Plan - Date Received: 26/10/2020
 - Proposed Floor Plan - Date Received: 05/11/2020
 - Proposed Rear Elevation - Date Received: 05/11/2020
 - Proposed Front Elevation - Date Received: 26/10/2020
 - Proposed Side Elevation - Date Received: 26/10/2020

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

- 3) 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 the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the

development it has been concluded that the proposal does not require an AA.

- 2) 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.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the City Development Manager was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(The meeting commenced at 5.33 pm and closed at 8.33 pm)

Chair

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

Monday 18 January 2021

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, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (PJ), Project Manager (Planning) (LP), Democratic Services Officer (HB) and Democratic Services Officer (SLS)

1 **MINUTES**

The minutes of the meeting held on 14 December 2020 were taken as read and approved as correct to be signed by the Chair at the earliest possible convenience.

2 **DECLARATIONS OF INTEREST**

A Member declared the following interest:-

COUNCILLOR	MINUTE
Councillor Sparkes	Min. No. 4 - disclosable pecuniary interest

3 **PLANNING APPLICATION NO. 19/1375/OUT - HILL BARTON FARM, HILL BARTON ROAD, EXETER**

The Principal Project Manager (Development) (PJ) presented the outline application for up to 200 dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration).

The Principal Project Manager (Development) provided a description of the site and the development, went through the site location and referred to a change in the recommendation from refusal to that of approval following the applicant's confirmation that their proposed offer of 10% affordable housing had been increased to a policy compliant 35% affordable housing. He referred to the following key issues:-

- the allocation of the site within the strategic housing allocation of the Hill Barton Master Plan;
- previous permission for housing had been granted in 2013 which had lapsed and which had proposed 25% affordable housing provision which fell short of the policy compliant requirement of 35%;
- a detailed illustrative plan provided by the applicant of the proposed house types and location, noting that the application was in outline;
- having initially concluded that the scheme could only generate a 10% level of affordable housing on site, being 20 units out of a possible total of 200, the applicant had now proposed a policy compliant figure of 35%, being 70

affordable units which was a significant contribution towards the Council's Five Year Housing Supply;

- the inclusion of a condition to ensure the provision of a policy compliant level of open space together with a Multi-Use Games Area and play space for the remainder of the development to the north within the Ridge Line Park as identified in the Hill Barton Masterplan to compensate for the shortfall onsite. Discussions had already taken place with the applicant regarding the area and the form that this would take;
- a change to the recommendation of approval to no longer require the applicant to enter into a bond to provide a future area of open space in an area outside their control with a condition requiring 10% open space on the application site with a flexibility to reduce it if facilities are provided on the Ridge Line in a future application; and
- significant financial contribution of over £385,000 towards sustainable transport measures and an education contribution of over £679,000 towards special education and secondary schools.

Lyndon Bent spoke against the application. He raised the following points:-

- represent the residents of Sidbury Close and Membury Crescent;
- do not object to residential development but concerned about access and safety of the area of Hill Barton as a whole;
- the outcome of this larger scale site is pivotal to the enjoyment of the existing residents of Hill Barton Vale and Rougemont Park;
- this application forms the likelihood of 100 more properties than the original structure plan, while the current access to existing development is already under considerable strain, particularly at Heritage Way and Peppercombe Avenue.
- if the Trip Generation recording was undertaken during any stage of the Pandemic since March 2020 it is not a true reflection of normal usage;
- the provision of double yellow lines through the estate could take several years if not adopted early, for example, the adoption of the roads on Rougemont Park has not been completed in over five years and necessary road markings and traffic calming remain absent;
- welcome recommendation of an additional local equipped children's play area, however additional usage of the existing play area at the junction of Peppercombe Avenue and Huntsham Road is likely. This area requires safety fencing;
- request that build density is curtailed and that the provision of yellow lines, traffic management and calming is set as a condition before construction with the safety of the existing children's play area enhanced by safety fencing.

Members supported the recommendation to approve, requesting the provision of safety fencing around the existing play area which is on a junction with a busy road and clarification on the timing of play area provision and of future commercial bus services.

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

- a plan was well advanced between the applicant and the Public Realm Officer on open space play area provision on this site and the Ridge Line Park and a condition would ensure the provision of policy compliant 10% open space and play equipment on the application site, notwithstanding provision on the Ridge Line Park;
- although a timescale for open space and play area provision on the Ridge Line

Park was not available, an application was anticipated but, if not forthcoming within an appropriate timescale, policy compliant provision would be addressed on this site as part of reserved matters;

- conditions were included to support transport provision including the sites for bus stops, although it was not possible to predict at this point the future commercial bus service;
- room sizes of individual dwellings would be determined at reserved matters stage and would be required to meet national standards; and
- although not directly related to this site, the issue of safety fencing for the existing play area would be passed to the consortium of developers.

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

The recommendation was moved and seconded and, following a vote, was carried.

RESOLVED that,

A)subject to the completion of a Section106 Agreement under the Town and Country Planning Act 1990 to secure:-

Affordable housing

35% of total housing shall be defined as affordable housing.

Transport

Safeguard the land for the Monkerton Railway Halt.

Financial contributions required as follows:

pedestrian/cycle improvements £450 per dwelling;
bus service £981.82 per dwelling and travel planning £500 per dwelling;
total transport contribution per dwelling of £1,931.82. The Highway Officer had calculated the contribution on the basis of 200 dwellings being provided. Notwithstanding the actual level of dwellings provided onsite within the reserved matter application, the financial contribution payable is £386,364. 50% of the contribution to be paid prior to open market houses being occupied and the remainder to be paid prior to 80% of units occupied; and
Traffic Regulation Order - £3,500 (to be paid at Devon County Council's request).

Education

The total education sum will be £146.56 per unit for special education and £2,731.50 per unit for secondary education. This figure will be indexed linked from March 2015 as specified by the Education Authority. 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.

Open Space

On site open space - No more than 75% of dwellings shall be occupied until the public open space and play provision has been laid out in accordance with the approved plans. Prior to completion of public open space/play areas, details of the management company including maintenance to be provided.

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 outline approval for up to 200 dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration), 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. Prior to occupation of the development, details shall be submitted to the Local Planning Authority of bus stops (including location and type of bus stop) for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation the bus stops shall be provided in accordance with the submitted details.
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.
4. Prior to occupation of any part of any development to the north, details shall be submitted to the Local Planning Authority of the future pedestrian/cycle crossing facilities for the development as indicated on Drawing Number "PHL-903 Rev D". Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, and prior to occupation of any part of further development the crossing facilities shall be provided in accordance with the submitted details.
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.
5. Any reserved matters application submitted pursuant to the outline consent hereby approved shall incorporate forward visibility splays as indicated on Drawing Number "071-003-001 Rev P4 Section 38 Plan" as part of the consideration of the reserved matters application. The visibility splays shall remain free of any obstructions that prevent forward visibility to motorists, unless otherwise agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority
Reason: To provide a safe and suitable access in accordance with paragraph 108 of the National Planning Policy Framework.
6. Any reserved matters application submitted pursuant to the outline consent hereby approved shall incorporate within the layout pedestrian/cycle links

as indicated on Drawing Number "PP01 HB" as part of the consideration of the reserved matters application. The said pedestrian/cycle connection points shall thereafter be constructed prior to the first occupation of any dwelling contained within the development, or such other trigger point as shall be agreed in writing.

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

7. No part of the development hereby approved shall be brought into its intended use until the vehicular access points and adjacent footway/cycleway as indicated on Drawing Numbers "PHL-901 Rev D", "PHL-902 Rev C" and "PHL-903 Rev D" has been 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.
- 8) No dwelling for which planning permission is hereby granted shall be occupied unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Highways England).
Reason: in the interest of the safe and efficient operation of the M5 motorway.
- 9) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - a) The 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 monitor and control the emission of dust and dirt during construction.
 - h) No burning on site during construction or site preparation works.
 - i) Measures to monitor and minimise noise/vibration nuisance to neighbours and the Me Office 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 LPA.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. The approved Statement shall be strictly adhered to throughout the construction period of the development.
- 10) 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: In the interests of the amenity of the occupants of the buildings hereby approved.

- 11) 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.

- 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: 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) 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 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the trees during the carrying out of the development.

- 14) Pre-commencement condition: No development shall commence until details of the open space, play provision (LEAP- Local Equipped Area for Play) and associated landscaping including a programme for its installation and maintenance 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.

- 15) Pre-commencement condition: 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. A photographic record of any trees, hedges on site shall be taken prior to any felling working being undertaken. An arboricultural report shall be submitted to and approved in writing prior to the commencement of any works to existing trees, shrubs and or hedges.

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

- 16) 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.

- 17) 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) A detailed drainage design based upon the approved Flood Risk Assessment. The portion of land draining to the south must meet the parameters of the existing surface water drainage system to the south. The portion of land draining to the east must meet the parameters of the surface water drainage system to the east.
 - (b) Detailed proposals for the management of surface water and silt run-off 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) Evidence there is agreement in principle from the landowner/DCC highways/SWW

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

- 18) Pre-commencement condition - A noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. Any noise mitigation required shall be agreed in writing with the Local Planning Authority and implemented in full prior to occupation and maintained thereafter.
Reason: In the interest of amenity.
- 19) Pre-commencement condition: No development shall commencement until an air quality assessment has been submitted and approved in writing by the Local Planning Authority. Any mitigation measure required following the completion of the assessment shall be agreed in writing and implemented in full prior to occupation and maintained thereafter.
Reason: Insufficient information has been submitted with the application and in the interests of amenity.
- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no mobile base stations shall be erected within the development.
Reason – To ensure adequate protection to the Met Office satellite reception facility.

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) The applicants attention is drawn to the need to meet the Exeter Airport Aerodrome Safeguarding criteria as contained in the Airport Operators Association 'Cranes and other Construction Issues' Advice Note.
- 5) The applicant is advised that they should contact the Met Office to discuss specific issues regarding their operational requirements prior to commencement.

and further **RESOLVED** that,

- B) 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 18 July 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 planning obligation in terms that are satisfactory to the Local Planning Authority which makes appropriate provision for the following matters Affordable housing, Open space provision Education contributions, 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, 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.

4

PLANNING APPLICATION NO. 20/1200/FUL - FLYING HORSE, DRYDEN ROAD, EXETER

Councillor Sparkes declared a disclosable pecuniary interest and left the meeting during consideration of this item.

The Project Manager (Planning) presented the application for construction of two storey building containing four flats. He described the development as comprising a two storey block, in contemporary design, containing four self-contained flats with a communal amenity space provided at the rear as well as private spaces for each of the flats. Car parking spaces and storage areas for bins and bicycles were also incorporated into the scheme, the Project Manager stating in response to a Member that normally it would be expected that the cycle parking area of eight spaces would be covered.

The Project Manager also reported:-

- the principle of housing development had been previously agreed when a development of two dwellings had been supported in 2017;
- Devon County Council had requested payment of £14,235 to mitigate the impact on local secondary schools which the applicant had agreed to pay; and
- the 19% improvement on energy efficiency should be beyond the current building regulations standards.

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

The recommendation was moved and seconded and, following a vote, was carried unanimously.

RESOLVED that, subject to the completion of a legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) to secure a financial contribution of £14,000 towards secondary education the Assistant Service Lead City Development be authorised to **APPROVE** planning permission for construction of two storey building containing four flats, 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 09 December 2020 (including dwg. nos. 267:1:01 Rev. H, 267:1:02 Rev. C, 267:1:03 Rev. B and 267:4:01 Rev. C) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved details.
- 3) **Pre-Commencement Condition:** No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:
 - a) The 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; and
 - 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 for pre-commencement condition:** In the interest of the environment of the site and surrounding areas and to ensure the construction phase is managed in a way that reduces any harmful impacts on the locality.
- 4) **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.

- 5) **Pre-commencement condition:** No development shall take place until details of the implementation, maintenance and management of a sustainable urban drainage scheme have been submitted to, and approved by, the Local Planning Authority. The scheme shall be implemented, and thereafter managed and maintained, in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

Reason for pre-commencement condition: To ensure the satisfactory drainage of the development. This information is required before development commences to ensure that any drainage scheme is properly designed and implemented at the appropriate stage.

- 6) A detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials, shall be submitted to the Local Planning Authority and no flat shall be occupied until the Local Planning Authority has 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: Insufficient information has been submitted with the application and in the interests of visual and residential amenity.

- 7) In the event of failure of any trees or shrubs, planted in accordance with the landscaping 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: In the interests of visual and residential amenity.

- 8) The flats shall not be occupied until full details of the bicycle store have been submitted to, and approved by, the Local Planning Authority. Thereafter, the bicycle store shall be constructed, maintained and retained in accordance with the approved details.

Reason: To ensure that safe and secure bicycle storage is provided in order to encourage sustainable forms of travel.

- 9) Prior to the installation of windows into the buildings, full details of the design/depth of the reveals shall be submitted to, and approved by, the Local Planning Authority. The windows shall thereafter be inserted in

accordance with the approved details.

Reason: In the interests of ensuring that design details result in a high quality finish and appearance to the building.

- 10) No part of the development hereby approved shall be brought into its intended use until the vehicular spaces and turning area, shown on Drawing Number 267:1:01 Rev G (received by the Council on 25 November 2020), have been provided in accordance with the approved details and thereafter maintained and retained for that purpose at all times.

Reason: To provide a safe and suitable access, in accordance with Paragraph 108 of the National Planning Policy Framework.

- 11) Prior to their use on site, samples of the brick and cladding materials shall be submitted to, and approved, by the Local Planning Authority. The development shall thereafter be constructed using these approved materials where relevant in the approved plans.

Reason: In the interests of visual amenity and ensuring good quality materials are used.

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.

5

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.

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 6.24 pm)

Chair

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LICENSING COMMITTEE

2 February 2021

Present:

Councillor Keith Owen (Chair)

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

Also present:

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

1 **Minutes**

The minutes of the meeting held on 27 October and 30 November 2020 were taken as read, approved for signing as correct by the Chair at the earliest convenience.

2 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

3 **Licensing Fees and Charges for 2021/22**

The Licensing Committee received the annual report for the proposed licensing fees and charges for 2021/22. The Licensing Committee had a statutory responsibility to set fees for the year which related to the cost of performing the various Licensing functions.

Members were referred to the appendix attached to the report, which listed all the fees levied by the Licensing Authority. The Service Lead- Environmental Health & Community Safety explained that the fees under the Licensing Act 2003 and Gambling Act 2005 were set by legislation and therefore, could not be amended by the Licensing Committee, but these were included in the report for full disclosure. The remainder fees were matters which that could be amended, however, the fees set could only cover the cost of delivering the individual licensing function to which they related.

Particular reference was made to the difficulties faced by various licensing trades, which, the Licensing Authority was greatly aware of, but were not in a position to set aside fees. The Government was, however, making provisions through various grant schemes to provide financial assistance.

In response to questions from Members, the Service Lead- Environmental Health & Community Safety explained: -

- There had been significant changes made to animal welfare legislation, which had put a higher burden on the Licensing Authority to meet certain criteria before a licence could be issued. Officers were required to undertake specific qualifications to discharge duties and there were additional requirements with regard to rating establishments and the frequency of inspections undertaken by

licensing officers. This had in turn increased the tariffs for dog breeding and riding establishments.

- The majority of gambling was now being undertaken through online platforms, rather than through high street establishments, which were regulated by the Gambling Commission. A review was being undertaken by the Department Culture Media and Sport of the current Gambling Act 2005 legislation. The Licensing Committee could, through the Chair, provide feedback in respect of this.
- There hadn't been a change to the fee for hypnosis, which had its own legislation and in turn, was also varied across the country for different authorities.

Members commented on the review of the Gambling Act 2005 and the importance of the discussing the matter of gambling in relation to people's mental health and wellbeing, particularly during the lockdown period. The Service Lead- Environmental Health & Community Safety confirmed that the closing date for the call for evidence on the review of the Gambling Act 2005 was midnight on Wednesday the 31 March 2021. He would circulate the link to the Licensing Committee Members, who could provide feedback and bring the matter to a future Licensing Committee meeting.

RESOLVED that the proposed Fees and Charges for the period from 1 April 2021 to 31 March 2022 be approved as set out in the report.

The meeting commenced at 5.30 pm and closed at 5.50 pm

Chair

STRATEGIC SCRUTINY COMMITTEE HELD AS A VIRTUAL MEETING

21 January 2021

Present:

Councillor Luke Sills (Chair)

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

Apologies:

Councillor Atkinson

Also present:

Director Finance, Director Net Zero Exeter & City Management, Growth & Commercialisation Manager, Democratic Services Officer (SLS) and Democratic Services Officer (MD)

In attendance:

Councillor Philip Bialyk	- Leader
Councillor Emma Morse	- Portfolio Holder for City Development
Councillor Ollie Pearson	- Portfolio Holder for City Centre & Corporate Services
Councillor Duncan Wood	- Portfolio Holder for Leisure & Physical Activity

1 **Minutes**

The minutes of the meeting of the Strategic Scrutiny Committee held on 19 November 2020 were taken as read, approved as correct, for signing by the Chair at the earliest possible convenience.

2 **Declaration of Interest**

No declaration of interest was made by a Member.

3 **Questions from Members of the Public Under Standing Order 19**

No questions from members of the public were received.

4 **Questions from Members of the Council Under Standing Order 20**

In accordance with Standing Order 20, Councillor Diana Moore submitted the following question relating to consultation and engagement, which the Leader responded to and which was set out below in the following terms:-

“In October 2019 I submitted the following scrutiny proposal to set up a task and finish group to develop a framework for the Council, setting out its approach to consultation and engagement. The framework would include setting out:-

- the meaning, purposes and principles of consultation, engagement and any related methodologies the Council intends to use,
- what the Council and contributors might expect from participation in such processes,

- how and what decisions may be influenced by such contributions or participation and where and when those decisions will be taken; and
- how contributions will be analysed and how feedback to contributors and the public will be given.

When will this matter be put for scrutiny by members?”

The Leader responded and advised that a report was being prepared for the forthcoming meeting of the Executive on 9 February and then Council later in the month. The report would include a proposed framework for how the Council would consult in the future. Members would be able to comment on the report, with the opportunity to make a statement at the Executive and address any questions at Council on 23 February.

Councillor Moore in asking a supplementary question enquired if there would be further consultation on the proposal and if the intended course of action was incongruous with the sentiment of consultation. She looked forward to an opportunity to offer feedback on the proposal, but felt the current process did not allow for active scrutiny on that matter. She felt confident of the shared aspiration with the Leader to ensure that consultation worked well, and asked if there would be any opportunity to comment on the report before the Executive. The Leader confirmed that the report would outline how the Council will consult with the appropriate groups and organisations. There was the opportunity for further discussion around that when the report is presented through the Committee process. He gave his assurance that the Council’s stance was to listen and consult, and there would be the opportunity to continue to reflect on the proposals at the forthcoming Executive and Council. He gave an undertaking that any received comments would be considered.

5 **City Centre Recovery Update 2021 Budget Focus Discussion**

The Growth and Commercialisation Manager presented a briefing note which provided an overview of the activity of her team, work on recovery plans and developing business support activities, and included an update on data collected since Covid 19 restrictions commenced. Weekly meetings were held with the Exeter Chamber of Commerce, Exeter branch of Federation of Small Businesses and InExeter. Discussions considered the effect of the pandemic on the city’s retail and businesses and more recently the further challenges presented by the impact of Brexit.

The following areas were highlighted from the briefing note:-

- Exeter’s residents and businesses continued to meet the demands of the pandemic and Brexit, but the city’s position remained favourable in comparison with other towns and cities. Exeter was listed within the top ten cities for footfall recovery and its economy was classed as moderately strong.
- the impact of home and flexible working arrangements would remain as one of the major challenges for the city centre going forward. The loss of the lunchtime and after work trade from workers in the city centre had caused a huge impact on businesses who are reliant on this trade.
- there had been 15 shop openings and 45 closures since March 2020, with the majority of shop openings being in the city centre which offered some reassurance for future investment.
- the increase in home working had reduced car park usage and drastically reduced much needed income for the City Council.
- nationally, the trend for job postings had been increasing but were for temporary positions.

- the number of claimants within Exeter had risen dramatically, with the self-employed adversely affected, however the numbers were still lower than the regional and national average.
- during summer 2020, the team had led on a number of Covid-19 city recovery groups, as well as a number of initiatives including Exeter Works and a joint project with Exeter Chamber of Commerce supporting residents and businesses affected by redundancy.
- a number of new business support initiatives had also been finalised this week, funded through the City Council's Additional Restriction Grant allocation.
- the purpose of the business support initiatives were to support businesses with recovery. Grants would be available to support businesses looking to diversify or introduce new innovation or equipment to their operations to aid recovery. In addition a city click and collect and a zero carbon delivery service was being investigated.
- Pop up shops continued to be encouraged as a way to support new and micro businesses, but there were a limited number of vacant City Council properties available, and the team would be working with private landlords.
- work on developing a temporary market space was under way to offer another opportunity to attract new business start-ups, micro-businesses or existing market traders. The market would have to complement the existing retail offer in the city centre.

The Portfolio Holder for City Centre and Corporate Services was in attendance and thanked the Director Net Zero & City Centre Management and the Growth and Commercialisation Manager for their efforts to put the range of support in place. He also thanked Exeter's businesses for their hard work, innovation and resilience. The Exeter Works initiative was working well, along with the Business Support Scheme and support measures as part of Build Back Better. He suggested any small business should visit the Exeter Works and Exeter City Council web site to look at the business support and grants currently available.

In response to questions and comments from Members, the Growth and Commercialisation Manager explained:-

- pop up shops offered opportunities for businesses to trial their business, but was not a long term option and occupants were provided support to help identify more permanent premises. Council owned units were limited and so increasingly efforts were being made to work with private landlords.
- the complexities around new import and export paperwork required in relation to Brexit was presenting an additional challenge. The Exeter Works web site was being updated to signpost businesses to the self-check system on the Gov.uk website, the Heart of the South West Growth hub, as well as the Better Business for All Initiative both provide advice and guidance on Brexit. Exeter Library were holding a number of business events to support businesses.
- there had been a peak of job postings over the last two weeks, with a consistent number of jobs advertised for positions in healthcare and nursing, as well as HR Recruitment and construction, digital, data and engineering type roles. One third of jobs posted are above the average salary for Exeter.
- it was important to work in partnership to help establish a new physical market space, and the team hoped to work with community groups and organisations such as Food Exeter, to encourage shoppers back into the city centre when restrictions are lifted. Additional business support and advice would also be offered to market stall holders to offer the best opportunity to sustain the business.

- the location of the Exeter Farmers' Market was subject to ongoing discussions. There were a number of potential sites around the city, but few were owned by Exeter City Council. The team had learnt from the experiences of the weekly Farmer's Market in terms of maintaining repeat stall holder business and opening hours.
- the City Council continued to administer and offer hardship and discretionary grants. The web site was regularly updated with information on specific grants, and individuals were encouraged to check the Council's and national Government sites regularly.
- work with the Chamber of Commerce checking the direct impact on the loss of spend in the city centre continued apace. A number of Recovery Groups met throughout the summer 2020 to focus on a reopening of the city centre around visitor economy, business and construction. Before the pandemic, the team had been working with a local company to develop a new City Centre Strategy, but now work was being concentrated on a review of that work over the next couple of months to take account of the speed of change going forward.
- Job Fairs had been a positive experience for individuals and businesses with a number of success stories which included past events for Flybe and ongoing virtual events as part of Building Greater Exeter. It may be possible to progress a wider Jobs event through a virtual platform. A Member's suggestion to offer an event with advice and training support for older age groups, including claimants over 50 would be followed up.
- the Exeter Works web site offered information to support individuals and businesses with their plans to create a physical space in the city centre to offer a drop in facility, when national restrictions are lifted.

The Leader was in attendance and stated that he had asked the respective Portfolio Holders for Communities & Culture and the City Centre & Corporate Services to look into this matter. The Leisure Centre at St Sidwell's Point was progressing well and the Bus Station was nearing completion. When the new Bus Station opened, he suggested using this vacant Space for a temporary market until proposals for the rest of the site were brought forward. The Chair welcomed the news and thanked Members for the discussion on this matter. He suggested a number of proposals including setting up a City Recovery Group to consider the medium to long term economic future of the city with Portfolio Holder, Council officers and stakeholder involvement.

Members went on to comment on the suggestion of the City Recovery Group:-

- concern about the level of challenges faced by those facing unemployment or financial difficulties and the opportunity to garner any discussion to galvanise any support for the economic future of the city was welcomed.
- the City Centre Strategy might offer a focus for the City Recovery Group. It was important not to duplicate the work of a number of the groups operating but they should operate in an open way and include ward Members of the city centre.
- there were issues going on in every ward, not just the city centre and engagement with any of the groups that have worked hard to support the community through the pandemic should be encouraged.

The Portfolio Holder for City Centre & Corporate Services welcomed the discussion to form a city centre recovery group to support the medium and long term future of

the city. The Director Net Zero & City Centre Management also welcomed the proposal but considered the importance of any such group to remain focused. There had been a very successful city centre group which had involved a number of key stakeholders, including from the private sector which had met through the pandemic, and they had focused on the immediate issues of re-opening the city centre. A group to focus on the medium to longer term issues relating to the city would be a natural progression. These stakeholders could continue to engage and include Member representation.

The Growth and Commercialisation Manager also welcomed the suggestion of using the draft city centre strategy going forward as there have been some positive impacts of people shopping more locally in their neighbourhood. She also welcomed wider engagement with ward members, but suggested contact could be maintained by email or virtual means as the business support measures do cover the whole of the city.

The following proposals were proposed and seconded and approved by unanimous vote. Members supported the following:-

- (1) the circulated Briefing note and appreciation of the work that City Council officers were doing to support the community was noted;
- (2) the work of the Council's Business Support team and the Business Support Initiatives as referred to in paragraph 7 of the circulated briefing note was endorsed; and
- (3) a City Centre Recovery Group be established, to include key stakeholders from the private sector with Member and officer support from the City Council to look at the medium to long term recovery of the city centre.

6 **2021/22 Budget Strategy and Medium Term Financial Plan**

The Director Finance introduced the Budget Strategy which included the strategic overview of the budgetary position for the 2021/22 financial years and beyond. The report included an indication of the likely level of available resources, current demand for resources and proposals to ensure that a balanced budget was achieved. The report had previously been considered by the Executive on 12 January 2021, but this provided the opportunity to ensure Members were fully briefed before consideration of the budget at Council on 23 February 2021. The Director Finance reminded Members, that the Council was required to agree a balanced budget, and council tax prior to the start of the financial year. He added that the detail of the final settlement from Government was not expected until February and after the Executive agenda was published.

Having already made reference to the expected delay in the arrival of the final financial settlement, he outlined the key points -

- the Government, through its one year Settlement, had announced a Lower Tier Services Grant given to all District Council's and Unitary authorities running lower tier services, Exeter's allocation to be £228,000. These grants would ensure no Council's had a negative core spending power and, as a result, the Council's core spending power would remain the same as the current financial year;
- a higher contribution had been received in respect of the New Homes Bonus from a third payment received for houses built by the Council in 2020;
- the Referendum Principles for the Council Tax set by the Government would allow Councils to increase the tax by £5 or less than 2% whichever was the higher. A £5

- increase equated to 10p a week. This increase along with the surplus in the collection fund would raise an extra £174,000;
- the Medium Term Financial Plan had included a drop in Business Rates Income as a result of the Covid-19 Pandemic;
 - a new software update would be installed shortly for the National Non Domestic Rates (NNDR) figure to be provided to Government; and
 - the Government were still committed to resetting the Business Rates and removing the New Homes Bonus. These two actions would have a significant negative financial impact on the Council with £6.1 million savings required for the Medium Term Financial Plan (MTF) up to 2024/25 with £3.3million savings in 2022/23. It was for Members to consider what can be afforded rather than what we want to do and so work on identifying savings was needed now.

The Director Finance responded as follows to Members' questions and comments:-

- there would not be a disproportionate effect to those on lower council tax bands by charging £5 rather than a 2% increase in the council tax levy.
- the Section 31 grant of £16.45m was the estimate of the money that the Government will give to offset the impact of no Business Rates receipts from the retail, leisure and hospitality businesses in the city. This was a significant sum identified in the assessment which will be set aside to pay off the deficit next year.
- a sum of £50,000 was also set aside to undertake some specific targeted work relating to the Net Zero project. Currently there were no specific funds for the overarching New Zero project. The Corporate Energy team continue to carry out targeted projects relating to the Council and work was continuing through the Housing Revenue Account (HRA) in respect of the Retrofit Pilot.
- at the request of a Member and to put some context to the challenging financial situation, he would add additional narrative to the Budget report to Council relating to the funding lost by the Council since 2010.

The Chair invited Councillor Diana Moore to expand on her suggestion for this Scrutiny Committee to consider the work of the wider Commercialisation project, performance against forecast, as well as areas for future development, including those relating to climate change, and invited her to provide more detail to be put forward for consideration by the Scrutiny Programme Board.

Members noted the report and thanked the Director Finance and his team for all of their endeavours.

The meeting commenced at 5.30 pm and closed at 7.15 pm

Chair

CUSTOMER FOCUS SCRUTINY COMMITTEE
(HELD AS A VIRTUAL MEETING)

11 February 2021

Present:

Councillor Councillor Matthew Vizard (Chair)
Councillors Mitchell, M, Foggin, Mrs Henson, Mitchell, K, Quance, Sparkes, Wardle and Warwick

Apologies:

Councillors Martin and Oliver

Also present:

Director Net Zero Exeter & City Management, Director City Development, Housing & Supporting People, Director Finance, Democratic Services Officer (HB) and Democratic Services Officer (SLS)

In attendance:

Councillor David Harvey	-	Portfolio Holder for City Management
Councillor Amal Ghusain	-	Portfolio Holder for Communities and Culture
Councillor Ruth Williams	-	Portfolio Holder for Supporting People
Councillor Laura Wright	-	Portfolio Holder for Council Housing Dev. and Services

1 Minutes

The minutes of the meeting of the Customer Focus Scrutiny Committee held on 3 December 2020 were taken as read, approved as correct, for signing by the Chair at the earliest possible convenience.

2 Declarations of Interest

No declarations of interest were made by Members.

3 Questions from the Public under Standing Order No. 19

No questions from members of the public were received.

4 Questions from Members of the Council under Standing Order 20

No questions had been received from Council Members.

5 Waste and Recycling Collection Service

The Portfolio Holder City Management introduced the report and highlighted the following:-

- there had been no reduction in the collection service during the Pandemic;

- the original proposal for a kerbside collection had been devised with regard to the limited resources available;
- the main themes in the review of the service were the health and safety of staff, air quality and efficiency and scheduling of the rounds;
- evidence from neighbouring authorities using the kerbside sort system indicated that they were currently experiencing increased volumes of food and cardboard which were causing increased journeys to tip materials driving down productivity;
- the intention was to ensure that all new vehicles would be as environmentally friendly as possible;
- the new electric vehicles would receive power from the solar farm near to the recycling centre reducing diesel costs; and
- the high quality of output from the Materials Recycling Facility (MRF) engenders confidence in the service increasing the commercial potential to the Council.

The Director Net Zero and City Management reported that the habits of residents had changed as a result of Covid-19 which had impacted on the proposed kerbside recycling service approved in October 2019 which had comprised of a weekly collection of dry recycling (paper, card, mixed plastics, glass, tins and cans) and food waste and a three weekly collection of residual waste.

He highlighted the following implications:-

- the pause caused by the Covid Pandemic was being used to re-evaluate the service as a change would involve considerable investment in the MRF and new vehicles. The main options were co-mingled with food collections or a kerbside sort system, however there were a wide range of issues to balance out to ensure the most cost-effective and efficient system was selected and that it would be sufficiently flexible to deal with changes in demand and usage;
- whilst the current co-mingled system had coped with the changes, evidence from neighbouring authorities indicated that there would be increased journeys to tip materials especially during the Christmas period in respect of food and cardboard;
- the aim of the review was to achieve the same outcomes for residents, meet the expected Government legal requirements for waste collection and help to deliver Net Zero ambitions;
- there were disadvantages with a kerbside collection because of reduced room available for loading as vehicles were larger and had to be loaded from the side and with cars parked in residential areas during the day there would be an impact on residential traffic. This system was therefore approximately three times slower and required some 50% more vehicles. Additionally, there was no electric solution currently for kerbside sort vehicles, although electric solutions were available for standard refuse collection vehicles. These are extremely expensive at present;
- revenue and capital investment costs and operational considerations were being assessed for each option. Whilst a kerbside operation would reduce the MRF costs, investment in vehicles would be more and staying co-mingled would require more investment in the MRF as machinery was more complicated.

The following responses were given to Members' queries:-

- the allocated budget had not been used to date and it was anticipated that there was little difference between the capital costs of the alternative systems, some elements of each resulting in savings with greater expenditure associated with some other elements;

- revenue costs could be expected to reduce in respect of a co-mingled option as less staff would be required than a kerbside collection but the revenue costs would still be more than existing because of the need for additional drivers. Electric vehicles would help to reduce costs;
- trials of the new system had been essential because of the great variation in street topography and the city's geography;
- whilst the Pandemic was changing behaviour it was anticipated that, on a return to normal circumstances, use of cardboard would be at higher rate than before the Pandemic. A co-mingled option provided greater flexibility as it was not limited to one individual material but this was not a deciding factor. The twin pack vehicle was a compartmentalised refuse collection truck with a compartment for glass although volume was quite low;
- local knowledge of ward Councillors would be utilised as they received numerous enquiries from their constituents and Members would be fully consulted;
- consideration would be given to a roll out in stages across the city, for example roll out of food waste collection could be done separately if the co-mingled and separate food waste collection option was chosen;
- no additional vehicles had been purchased recently and all fleet vehicles were being utilised at present;
- the workforce had been involved in the assessment process but would still have to work on the public highway and all rounds were risk assessed. The co-mingled system with a standard refuse truck offered some advantages over a kerbside system which required loading from the side of the vehicle. Lots of authorities however used the kerbside sort system including neighbouring authorities but narrow streets created difficulties;
- a further factor was to consider the value obtained from materials such as plastic and glass. Mixed plastics had less value than those separated out into separate plastic streams but this is offset by the reduced running costs of a simplified MRF with a lower staffing requirement. There was no value in glass at the moment;
- separate solutions for blocks of flats were also being assessed. Kerbside sort collections for apartment blocks were problematic and, for the initial modelling, co-mingled had continued but with separate receptacles for food waste and glass;
- there were currently 13, 26 tonne refuse vehicles, two seven and a half tonne collection vehicles, three tonne vans for bin delivery and bulky waste collection and two 26 tonne vehicles, both at the MRF, one loading and one sorting glass - 20 vehicles in total;
- whilst longer hours would not be introduced with a kerbside sorting system, more vehicles and therefore more staff would be necessary;
- consultation with MRF manufacturers was underway to assess projected volumes and machinery needed and would involve a tendering process prior to installation. It was hoped to increase MRF productivity from three and a half tonnes an hour to between 10 and 12 tonnes an hour but site constraints could impact on investment;
- maximising commercial opportunities and income creation was another issue to consider and how much capacity could be built in for future commercial development, for example, recycling on behalf of neighbouring local authorities. It was necessary therefore to balance commercialisation with the needs of Exeter residents and statutory duties; and
- it was not possible at present to predict when it was envisaged that a new scheme would be implemented. Given the Pandemic, it was understandable that the timescale has slipped.

A further report would be submitted to this Committee when costs of the options and the operational consequences were known.

Members noted the report and both the Portfolio Holder and Director thanked the Service Lead and the whole recycling team for their hard work especially during the Covid Pandemic.

6 **General Fund/HRA Estimates and Capital Programme 2021/22**

The Director Finance presented the report on the proposed General Fund revenue estimates for 2021/22 and recommending the Band D level of Council Tax for 2021/22. The report also included the proposed Capital Programme for 2021/22 and future years, and the proposals in respect of the Housing Revenue Account.

The report had previously been considered by the Executive on 9 February 2021, but this provided the opportunity to ensure Members were fully briefed before consideration of the budget at Council on 23 February 2021. Members noted that the three other reports presented to Executive – Capital Strategy 2021/22, The Prudential Code for Capital Finance in Local Authorities and Treasury Management Strategy Report 2021/22 - had also been circulated to Members with the agenda pack.

Particular reference was made to the following:-

- the recent Government announcement of the Local Government Finance Settlement with no change to the provisional settlement;
- the Referendum Principles for the Council Tax set by the Government would allow the Council to increase the tax by £5;
- the Council's core spending power would remain the same as the current financial year;
- the proposed budget took into account inflation increases for Exeter of £817,000;
- the Medium Term Financial Plan required savings of £6 million up to the period 2024/25;
- the HRA Medium Term Financial Plan would drop reserves close to minimum levels by 2023/24;
- the Government had also announced that there would be consultation on refining the New Homes Bonus which would close on 7 April 2021; and
- final figures would be reported to the Extraordinary Council on 23 February 2021 when the Devon County Council, the Police and Crime Commissioner for Devon and Cornwall and the Devon and Somerset Fire Authority precepts would be known.

The Director Finance responded as follows to Members' queries:-

- the Council was on track to deliver against the emergency budget including meeting the reduced delivery in services identified as necessary. The Government had provided a number of compensation schemes such as the Sales, Fees and Charges Scheme so it had not been necessary to make the savings originally anticipated at £1.8 million in preparing the 2021/22 budget;
- the majority of CIL reserves of £10.15 million were set aside for capital schemes with £900,000 identified annually for revenue funding. Allocations included £1.9 million for Neighbourhood schemes, £550,000 for habitat and £7.7 million for infrastructure;
- total capital receipts within the General Fund were approximately £4-5 million;
- income generated from interest obtained from lending was used to fund other programmes. Some £15 million of lending would generate additional interest of £450,000; and

- Council reserves were set at £3 million to meet emergency circumstances. Increased risks associated with the Pandemic included bringing the Leisure Services in house and reduced car park income.

Members noted the report and thanked the Director Finance and his team for their work.

The meeting commenced at 5.30 pm and closed at 6.45 pm

Chair

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STRATA - JOINT SCRUTINY COMMITTEE**MONDAY, 11 JANUARY 2021**Present:

Councillors Atkinson (Chair), King, Twiss, Hookway, Sparkes, Oliver, Clarence and Nuttall

Members Attendance:

Councillors Wrigley, Dewhirst and Pearson

Apologies:

Councillor Orme

Officers in Attendance:

Laurence Whitlock, Strata IT Director

Paul Nicholls, Strata Board Director

Simon Davey, Strata Board Director

David Hodgson, Strata Finance Director

Trish Corns, Democratic Services Officer

Christopher Morgan, Trainee Democratic Services Officer

Robin Barlow, Head of Security & Compliance

Martin Millmow, Head of Document Centres

David Sercombe, Head of Business Systems & Business Intelligence

Adrian Smith, Head of Infrastructure & Support

1. MINUTES

The minutes of the meeting held on 8 September 2020 were approved as a correct record and authorised to be signed at the earliest convenience.

In regard to the last sentence of Minute 16, it was noted the matter was included in the *Strata Business Plan 2020/21 and Beyond*, agendas item 9.

2. DECLARATIONS OF INTEREST

None.

3. QUESTIONS FROM THE PUBLIC UNDER PROCEDURAL RULES

None.

4. IT DIRECTOR'S AND MANAGER'S REPORT AUGUST TO DECEMBER 2020

The Strata IT Director referred to the report circulated with the agenda. Resources had continued to focus on ensuring a stable IT environment during the current

Covid situation for the delivery of the service, and support to officers and Members in an exemplary manner. Demand on the service had increased significantly since Covid and resources had focused on support for agile working.

Successes included: assisting the Council produce online forms through the Firmstep platform for the Business Support Grants, enabling expedient process and payment to those in need, training sessions for staff and Members; the continued reduction of printing volumes; Strata service savings in excess of £1m to be refunded to all three authorities, and Strata staffs' annual conference being held remotely with the contribution of staffs' own money to the Alzheimer's society, Honiton Food Bank, and Children's Hospice South West charities.

In addition project work, of which there were currently 49, included the *Strata Business Plan 20/21 and Beyond* progression; Windows 10 migration, agile working, stability of Global Desktop and Global Comms platforms, renewal of both the Microsoft and VMWare licence agreements, and partnership work with Exeter University on climate change. This would assess Strata's environment so that Strata could support the three authorities in meeting their Climate Change aspirations.

Challenges included the increased demand on the service as a result of Covid, and consequently not progressing planned projects as well as expected.

RESOLVED

The report be received and noted.

5. **FINANCE DIRECTOR'S REPORT NOVEMBER 2020**

The committee referred to the Strata Budget Monitoring report which detailed the financial position as at 30 November 2020.

The Company has been given a total of £6.60 million to run the IT Services in 2020/21 along with funding for various capital projects. The Company also maintained an account for additional purchases throughout the year, which was invoiced to each Council based on actual purchases made.

Key variations from the revenue and capital budgets were detailed which resulted in savings of £500,000 and a further £320,000 and £282,000 identified to assist in the current Covid situation and the significant strain for all three authorities

This had been achieved with the addition of two service desk posts to address the increased demand on the service.

RESOLVED

The report be received and noted

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

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the

following item on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraph 3 of Part 1 of Schedule 12A of the Act.

7. QUESTION FROM MEMBERS OF THE COUNCILS UNDER PROCEDURE RULES

Councillor Clarence asked a question which was circulated to the Committee with the answer. The question and answer which is appended was noted.

The Chair concluded that the question submitted by Councillor Clarence had provided a worthwhile scrutiny exercise into Strata's value for money efficiency and effectiveness.

At this juncture councillors Oliver and Twiss left the meeting.

8. STRATA BUSINESS PLAN 2020/21 AND BEYOND

The IT Director referred to the draft Business Plan as circulated with the agenda, and the Committee considered the recommendations at page 3 of the Plan.

The draft Plan recognised the challenging time since Covid, both for Strata and the three authorities in adapting to the change. The authorities needed Strata to support them in an 'agile' way, the community needed to be able to access council services on line, businesses unable to operate needed access to funds, democracy needed to be carried out in a virtual world and managers needed to ensure that authority services could continue to operate using widely dispersed resources.

Strata reacted confidently to the challenge proving that it could react and deal successfully to change, and has fared better than a large number of private and public organisations. Strata had and was continuing to prove the service was stronger, more adaptable, and more flexible. Along with this the resulting realisation that the authorities were probably more dependent on IT and the value it brings than previously.

The draft Plan set out the 'vision and plan' for the next 12 months, from 1 April 2021, in order to better support the needs of the three authorities. It was developed to deliver a more 'customer focussed' approach to Strata's work, yet still delivering against the original objectives of reduced risk, reduced cost and the creation of an environment to support change.

RECOMMENDED

The recommendations set out at page 3 of the *Strata Business Plan 2020/21 and Beyond* be referred to Joint Strata Executive for approval, with the exception of the two recommendations relating to governance structure. It is recommended that these need further debate by the Joint Strata Executive and the Joint Scrutiny Committee and any changes should be delayed until a more detailed review is undertaken.

The meeting started at 1600hrs and finished at 1845hrs

CLLR Y ATKINSON
Chairman

STRATA - JOINT EXECUTIVE COMMITTEE**MONDAY, 25 JANUARY 2021**Present:

Cllrs Arnott (Chair), Dewhirst and Pearson

Non-Voting Members:

Karime Hassan – Exeter City Council
Phil Shears – Teignbridge District Council
Mark Williams – East Devon District Council

Officers in Attendance:

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer
Robin Barlow, Head of Security & Compliance
Simon Davey, Strata Board Director
David Hodgson, Strata Finance Director
Peter Johns, Head of IT Solutions Delivery
Martin Millmow, Head of Document Centres
Paul Nicholls, Company Director for STRATA
David Sercombe, Head of Business Systems & Business Intelligence
Adrian Smith, Head of Infrastructure & Support
Laurence Whitlock, Strata IT Director

**These decisions will take effect from 10.00 a.m. on 1 February 2021
unless called-in or identified as urgent in the minute**

1. MINUTES

The minutes of the meeting held on 22 September 2020 were approved as a correct record and would be signed by the Chair at the earliest convenience.

2. DECLARATIONS OF INTEREST

Cllr Dewhirst declared an interest as Member at Devon County Council.

3. IT DIRECTORS REPORT

The Strata IT Directors Report was submitted.

RESOLVED that the report be noted.

4. FINANCE DIRECTOR'S REPORT

The Strata Finance Director presented the report advising on the financial position of Strata.

In response to a Member, the Strata Finance Director clarified how and where the Strata savings had been identified.

RESOLVED that the report be noted.

5. 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 following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

6. STRATA BUSINESS PLAN 2020/21 AND BEYOND

The Strata IT Director presented the Strata Business Plan for 2020/21 and beyond. Members discussed the recommendations and the comments of the Strata Joint Scrutiny Committee.

Members also raised the issue of members IT and supported the review of their requirements given the changing digital environment.

Members agreed to delay the new Board Structure and the new proposed purposes of the Joint Executive Committee and Joint Scrutiny Committee until a more details review had been undertaken. The procuring of the PowerBI Premium would be deferred to a future meeting of this committee.

RECOMMENDED that East Devon District Council, Exeter City Council and Teignbridge District Council approve the Strata Business Plan 2020/21 and beyond including:

- (1) The 21/22 Proposed Savings;
- (2) Hardware budgets being returned to East Devon District Council and Teignbridge District Council;

- (3) Appointment of a Data Analyst post;
- (4) Benchmarking to be undertaken by SOCITM; and
- (5) The mechanism for work prioritisation.

The meeting started at 4.00 pm and finished at 5.35 pm.

Chair

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EXECUTIVE
(HELD AS A VIRTUAL MEETING)

Tuesday 12 January 2021

Present:

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

In attendance:

Councillor Leadbetter in his capacity as an Opposition Leader.

Apologies:

Councillor K. Mitchell in his capacity as an Opposition Leader

Also present:

Chief Executive & Growth Director, Director Net Zero Exeter & City Management, Director of Culture, Leisure and Tourism, Deputy Chief Finance Officer, Service Manager Parks & Green Space, Policy Officer – Community Safety, Safeguarding and Equality & Diversity, Democratic Services Officer (MD) and Democratic Services Officer (HB)

1 **MINUTES**

The minutes of the meeting held on 1 December 2020, were taken as read and approved as a correct record for signing by the Chair at the earliest possible convenience.

2 **THIRD LOCKDOWN**

Following the recent Government announcement of a third National Lockdown and to recent Pandemic statistics, the Leader urged all to continue to follow Government guidance and to be careful and to stay safe. He referred to the continuing practical work of the City Council through Wellbeing Exeter and to its work with partners in helping support the roll out of the vaccine.

3 **DECLARATIONS OF INTEREST**

No declarations of disclosable pecuniary interests were made.

4 **QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19**

No questions from members of the public were received.

5 **GENERAL BULLER STATUE REVIEW**

The Executive received the report on the review of the General Buller Statue, which had been brought back to the Executive Committee following a resolution at the July 2020 Executive meeting, that a Scrutiny Task and Finish Group be set up to investigate the continued appropriateness of the statue of General Buller and his

horse Biffen at its current location. The investigation was to further contrast the statue's appropriateness against the backdrop of the Black Lives Matter movement against systemic racism and discrimination.

The Director Leisure Tourism and Culture and the Policy Officer - Community Safety, Safeguarding and Equality & Diversity made particular reference to the following:-

- the wide range of stakeholders who had been consulted including historic and civic societies, community groups and local historians with feedback received from some 20 organisations in total;
- the strong views expressed on the matter by the wider public;
- that no financial provision had been made should a decision be taken to remove the statue other than for the provision of temporary information boards from within existing budgets to contextualise the statue; and
- subject to a decision being made on the application for listed building consent and funds being identified, the matter would be brought back to Members for a final decision to be made.

During the discussion the following points were made:-

- the Task and Finish Working Group were thanked for its time and work in exploring in detail this emotive subject and its recommendations supported, including the proposal for full public consultation before reaching a final decision;
- it would not be an assessment of General Buller himself but the appropriateness of civic statutes and monuments in a modern setting;
- welcome the proposal for an arts based engagement process with residents in order to facilitate a broader examination of the role of public art;
- welcome the support of the University of Exeter and Exeter Culture in working with the Task and Finish Working Group; and
- both the Equality Impact Assessment and Carbon Footprint Statement were procedural tools used to help achieve informed decisions on matters before the Council, reflecting the Council's strong commitment in both areas.

Councillor Leadbetter, as Leader of the main opposition group, expressed his concern that resources were being diverted un-necessarily to this issue given the continuing seriousness of the Covid-19 Pandemic and questioned the need and sensibility in proceeding with the proposals, other than some form of public consultation. He also referred to the general context during the period of the original proposal for a statute commemorating General Buller and to the significant public support at that time.

The Director Leisure, Tourism and Culture advised that the determination of a listed building consent would be a matter for the Planning Committee with the normal planning consultation process carried out. He also stated that the provision of the statute had not been without controversy during that period as evidenced by newspapers of the time.

The Leader concluded by referring to the intention to fully consult the public and that no funds had been identified at present. It was also noted that the continuation of services to residents remained the Council's priority.

The Task and Finish Working Group were thanked for its time and work in exploring in detail this emotive subject and its recommendations supported, including the proposal for full public consultation before reaching a final decision.

The recommendations were moved and seconded and carried unanimously.

RESOLVED that the findings of the Scrutiny Task and Finish Group be noted.

RECOMMENDED that Council approve: -

- (1) an application being made for listing building consent for the relocation of the statue to an alternative location, to allow the opportunity to conduct a public consultation on the proposed Task and Finish Group recommendations prior to a final determination of the matter by full Council;
- (2) temporary information boards be erected near to the statue;
- (3) an arts-based engagement project with residents be established, through a public art working group in conjunction with the University of Exeter and Exeter Culture, to consider the role of public art and create a new public art strategy in Exeter;
- (4) a working group be created to establish a Council Anti-Racism Strategy led by the Portfolio Holder for Culture and Communities; and
- (5) the Corporate Equality and Diversity Group develop a training and awareness raising programme for staff and Councillors on equality impact assessments, and their role in the Council's decision-making process.

6 **TREE REPLANTING PROGRAMME FOLLOWING ASH DIEBACK DISEASE IN EXETER**

The Executive received the report on the Exeter tree replanting programme following Ash Dieback disease, which was a Europe wide issue, requiring the planting of additional trees and associated works to ensure the tree canopy cover was maintained. The works would contribute to the Council's goal for Net Zero carbon and protect people and property from any unacceptable risk.

Particular reference was made to the following:-

- Ward Councillors would be kept fully informed as works progressed;
- mobile platforms would be necessary in some cases to ensure that the tree surgeons could access the trees safely;
- whilst a number of single trees had been mapped, further mapping of groups of trees and small areas of woodland would be undertaken;
- costs were greater than with the management of other trees and funds would be used in the most efficient way as the disease progressed;
- it was vital to ensure public safety whilst maintaining the canopy cover in Exeter; and
- whilst there were areas of private land throughout the city with Ash Trees including Devon County Council land, the City Council was also working with the Saving Devon Treescapes Programme with the Wildlife Trust and hoped to attract funding as part of this work.

During the discussion the following points were made:-

- the Council was committing the necessary funds to ensure the safety of the public;

- the programme would help maintain the tree canopy cover throughout the city and the general green nature of Exeter; and
- there would be a two to one ratio of tree replacement throughout the city, a recent example being the planting of 2,000 trees on the Monkerton Ridge.

RECOMMENDED that Council approve the capital budget presented in the report, to allow the Tree Management Team to begin the replanting of new trees in place of diseased Ash trees following the Ash Die Back emergency and for additional Ash tree works in accordance with the recommended actions by the Exeter City Council Service Manager Public and Green Spaces, in order to maintain tree canopy cover.

7

2021/22 BUDGET STRATEGY AND MEDIUM TERM FINANCIAL PLAN

The Executive received the report on the strategic overview of the budgetary position for the 2021/22 financial year and beyond, which included an indication of the likely level of available resources, the current demand for resources and the proposals to ensure that a balanced budget is achieved. Members noted that the Council was required to set a balanced budget and Council Tax prior to the start of the financial year.

Particular reference was made to the following:-

- the Government, through its Local Government Finance Settlement, had announced a Lower Tier Services Grant as a one off, one year settlement. This equated nationally to £110 million with Exeter's allocation to be £228,000 which would result in the Council's core spending power remaining the same as the current financial year;
- a higher contribution had been received in respect of the New Homes Bonus compared with the previous Medium Term Financial Plan;
- the Referendum Principles for the Council Tax set by the Government would allow Councils to increase the tax by £5 or 2% whichever was the higher. A £5 increase equated to 10p a week;
- the Medium Term Financial Plan had built in a drop in Business Rates Income as a result of the Covid-19 Pandemic; and
- savings would be required to achieve a reduction of £6.1 million up to the period 2024/25.

The Leader thanked the Treasury Team for their work on the budget.

RECOMMENDED that Council: -

- (1) note the contents of the report; and
- (2) approve the proposals to establish a balanced revenue budget and capital programme.

8

COUNCIL TAX BASE AND NNDR 1 2021/22

The Executive received the report which set out the 2021/22 Council Tax base in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012. The report further sought approval to delegate the Council's estimate of Business Rate Income (NNDR1) for the next financial year to the Director Finance.

Members were advised that the amount calculated for the Council as its tax base would be 37,377, which was an increase of 29 over the figure of 37,348 for 2020/21.

Particular reference was made to the following, both being Covid-19 related:-

- a lower than normal number of properties that are eligible for council tax added for 2021/22; and
- an increase in Local Council Tax Support has also impacted on the tax base

RESOLVED that:-

- (1) in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amount calculated by Exeter City Council as its tax base for the year 2021/22 shall be 37,377; and
- (2) the responsibility to approve the Council's NNDR1 return by 31 January 2021 be delegated to the Director Finance (Section 151 Officer).

9

HOUSING RENTS AND SERVICE CHARGES 2021-22

The Executive received the report which set out the proposed changes to Council dwelling rents, garage rents and service charges with effect from 1 April 2021.

Particular reference was made to the following:-

- the impact of Covid-19 had resulted in a lower increase in charges in the Medium Term Financial Plan with approximately £2.3 million less of budgeted rental income over the period to 2024/25 mitigated by the re-profiling of planned capital works over a longer period;
- rentals compared favourably with other socially rented properties and the open market; and
- the Council's continued commitment to re-invest in its housing stock, such as retro-fitting of its properties as well as building new homes.

RECOMMENDED that Council approve: -

- (1) the increase of Council dwelling rent by 1.5% from 1 April 2021;
- (2) the increase of garage rent by 1.5% from 1 April 2021; and
- (3) the increase of Service Charges by 1.5% from 1 April 2021, with the exception of charges detailed in paragraph 13.3 of the report.

(The meeting commenced at 5.30 pm and closed at 6.22 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.

DRAFT

EXECUTIVE
(HELD AS A VIRTUAL MEETING)

Tuesday 9 February 2021

Present:

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

In attendance:

Councillors Leadbetter and K. Mitchell (as opposition group Leaders)

Also present:

Chief Executive & Growth Director, Director Net Zero Exeter & City Management, Director of Culture, Leisure and Tourism, Director Finance, Corporate Manager Democratic and Civic Support, Corporate Manager – Executive Support, Service Lead - HR Services, Service Lead - Environmental Health & Community Safety, Growth & Commercialisation Manager, Assistant Service Lead (Planning) City Development, Electoral Services Manager, Democratic Services Officer (MD) and Democratic Services Officer (HB)

10

MINUTES

The minutes of the meeting held on 12 January 2021, were taken as read, approved as correct, for signing by the Chair at the earliest possible convenience.

11

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

12

QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions were received from members of the public.

13

URGENT DELEGATED DECISION

The Executive noted the urgent Delegated Decision taken under the Council's Finance Regulations to create a budget for expenditure to be incurred as part of the Government's and Council's work to address rough sleeping and, in particular, as a response to the greater risk to people experiencing homelessness as a result of the current pandemic. The Council had successfully bid for Department of Housing, Communities and Local Government Capital funds of £1.8 million and contributed un-ring-fenced Section 106 funding of £1.54 million towards the purchase of 29 units of affordable housing. There was a further revenue grant of £433,000 to provide support to new residents once the Council successfully purchased and brought the properties back into use.

This decision had been made by the Director City Development, Housing and Supporting People in consultation with the Leader of the Council, under the Council's amended Scheme of Delegation during the Coronavirus Pandemic and in

accordance with Standing Orders 13, 16 and 17, the Chair of Strategic Scrutiny Committee having agreed that this was an urgent decision, as any delay in seeking Council approval could jeopardise the funding opportunity.

RESOLVED that the urgent decision be noted.

14

GENERAL FUND/HRA ESTIMATES AND CAPITAL PROGRAMME 2021/22

The Executive received the report on the proposed General Fund revenue estimates for 2021/22 and recommending the Band D level of Council Tax for 2021/22. The report also included the proposed Capital Programme for 2021/22 and future years, and the proposals in respect of the Housing Revenue Account.

Particular reference was made to the following:-

- the recent Government announcement of the Local Government Finance Settlement with no change to the provisional settlement;
- the Referendum Principles for the Council Tax set by the Government would allow the Council to increase the tax by £5 but, if increased above that level, would lead to a requirement for a referendum to be held;
- the Council's core spending power would remain the same as the current financial year;
- the Medium Term Financial Plan required savings of £6 million up to the period 2024/25;
- the HRA Medium Term Financial Plan would drop reserves close to minimum levels by 2023/24; and
- final figures would be reported to the Extraordinary Council on 23 February 2021 when the Devon County Council, the Police and Crime Commissioner for Devon and Cornwall and the Devon and Somerset Fire Authority precepts would be known.

Members noted that a £5 increase in the Council Tax equated to 10p a week.

RECOMMENDED that Council:-

- (1) approve the overall spending proposals in respect of both its revenue and capital budgets;
- (2) the Council Tax for each Band be approved as set out in section 8.19.3, subject to Devon County Council, the Devon and Cornwall Police and Crime Commissioner and the Devon and Somerset Fire Authority confirming their Band D levels respectively;
- (3) when the actual Council Tax amounts for Devon County Council, the Devon and Cornwall Police and Crime Commissioner and the Devon and Somerset Fire Authority are set, then the revised Council Tax levels submitted to Council on 23 February 2021 be approved; and
- (4) the Statement given by the Director Finance as required under Section 25 of the Local Government Act 2003 be noted.

15

CAPITAL STRATEGY 2021-22

The Executive received the report on the Capital Strategy 2021-22 which provided Members with details of the long-term policy objectives and resulting capital strategy requirements, governance procedures and risks for the capital programme.

RECOMMENDED that Council approve the Capital Strategy as set out in Appendix 1 of the report presented to the meeting.

16

THE PRUDENTIAL CODE FOR CAPITAL FINANCE IN LOCAL AUTHORITIES (INCORPORATING THE ANNUAL STATEMENT OF MINIMUM REVENUE PROVISION)

The Executive received the report on the proposed 2021/22 prudential indicators for capital finance for adoption by the Council and to set the annual statement of Minimum Revenue Provision (MRP), which would be incorporated within the Budget Book for approval at the full Council meeting as per the statutory requirement.

Particular reference was made to the three key indicators of the capital financing requirement, the operational boundary and the authorised limit. It was noted that debt was repaid on an annuity basis.

RECOMMENDED that Council adopt:-

- (1) the Prudential Indicators set out in Appendix A-C of the report presented to the meeting; and
- (2) the Annual Statement of Minimum Revenue Provision for the Council.

17

TREASURY MANAGEMENT STRATEGY REPORT 2021/22

The Executive received the report seeking the adoption of the Treasury Management Strategy Report and the incorporated Annual Investment Strategy 2021/22, as required under section 15(1) (a) of the Local Government Act 2003.

RECOMMENDED that Council adopt the new Treasury Management Strategy and delegations contained therein.

18

ANNUAL PAY POLICY STATEMENT 2021/22

The Executive received the report on the Annual Pay Policy Statement 2021/22 which required approval by Full Council each financial year in line with legislation.

It was highlighted that the Council had adopted the Real Living Wage from 1 January 2014 and that the lowest graded wage would increase to £9.50/hour from 1 April 2021.

RECOMMENDED that Council:-

- (1) adopt the Policy, Report and Appendices and publish in accordance with the legislation; and
- (2) grant delegated authority to the Director - Corporate Services to make necessary amendments to the pay policy statement following any changes in legislation or subsequent increases in pay.

GENDER PAY GAP

The Executive received the report on the Gender Pay Gap which was a statutory requirement of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, for the local authorities employing 250 or more employees. The report detailed a snap shot taken from 31 March 2020 and presented a detailed list of hourly pay rates between male and female staff.

It was highlighted that:-

- the average pay of females across the Council was higher than that of males;
- there were over three times more males in the lower quartile of earnings than females; and
- the report also covered agency staff.

RECOMMENDED that Council approve:-

- (1) annual reviews to track the relationship between both female and male earnings; and
- (2) the publication of the Gender Pay Gap Report and its findings on the Exeter City Council website and on the centrally held database on gov.uk.

DELEGATION OF POWERS TO AMEND POLLING DISTRICTS AND POLLING PLACES

The Executive received the report on the delegation of power to amend the designation of Parliamentary and Local Government polling districts and polling places, on a temporary basis, to the Returning Officer of Exeter City Council, or Acting Returning Officer or other relevant post (or appointed Deputy) if there was a requirement at short notice.

The Covid-19 Pandemic had highlighted potential implications of disruption to the electoral process should there be a sudden unavailability of a polling place or polling station, and to allow the Returning Officer to make alternative arrangements where there was insufficient time to follow the usual process of gaining Council approval to seek an alternative location.

In the unlikely event of a change being necessary, all Councillors, candidates and their agents and the voting public would be notified at the earliest opportunity.

RECOMMENDED that Council approve delegated powers being given to the Returning Officer of Exeter City Council or Acting Returning Officer (or appointed Deputy) to amend the designation of Parliamentary and Local Government polling districts and polling places, on a temporary basis, should it become necessary to do so, at short notice to facilitate the conduct of elections within the City of Exeter, due to any urgent issues which might arise, concerning the availability of polling places and polling stations and where there is insufficient time for amendments to be made and approved by Council.

AMENDMENTS TO THE COUNCIL'S CONSTITUTION RELATING TO PLANNING DECISION MAKING

The Executive received the report on the proposed changes to the Council's Constitution in relation to the scheme of delegation in respect of planning matters and amendments to clarify and streamline the planning process.

RECOMMENDED that Council approve the following changes to the Council's Constitution:-

- (1) the amendment of the Terms of Reference for Planning Committee to include:-
 - Applications referred by the Chair and/or Deputy Chair of Planning Committee

- (2) the amendment of the Terms of Reference for Delegation Briefing to state:-
 - Delegation Briefing is a sounding board of Members of Planning Committee that is open to all Members which meets periodically for a briefing on applications where the planning officers are minded to determine them under their delegated powers. The Chair (or Deputy Chair) of the Planning Committee reserves the right to refer any applications for determination by the full Planning Committee, having first sought the views of the relevant ward member at the delegation briefing.

- (3) the inclusion in the Scheme of Delegation to Officers of the following delegated powers to the Service Lead City Development in consultation with the Delegation Briefing:-
 - Applications that have been subject to representations from a statutory consultee that express views contrary to the officer recommendation; and
 - Applications that have been subject to objections from a Neighbourhood Forum, where that Neighbourhood has an adopted Neighbourhood Plan, that Officers are minded to approve under delegated powers.

CONSULTATION CHARTER

The Executive received the report which sought agreement to adopt a Consultation Charter, setting out the Council's commitment to best practice in consultation and to ensure a consistent approach to consultation arrangements.

Particular reference was made to:-

- the charter formalising the Council's overall approach to consultation to ensure a standard approach to each consultation undertaken; and
- positive feedback received from the Consultation Institute.

The Leader referred to comments he had received from Councillor Diana Moore on the proposed Charter and stated that it would be appropriate for the Scrutiny Programme Board to examine these suggestions. He welcomed the best practice approach and the feedback from the Consultation Institute and, whilst it was right to look to further improve the Charter, regard should be had to costs and the availability of existing resources.

During the discussion the following points were raised:-

- some elements could be clarified and amended in light of comments from Councillor Diana Moore;
- the Charter followed the core principles of good public consultation; and
- whilst many of the additional suggestions had merit such as meeting the Crystal Mark, training for Members and Officers and the provision of a digital consultation platform these would need to be assessed in the context of available resources.

The recommendation was amended for the Charter to be considered by the Scrutiny Programme Board.

RECOMMENDED that Council approve the Consultation Charter, subject to consideration by the Scrutiny Programme Board at its forthcoming meeting on 18 February 2021.

23

GENERAL BULLER STATUE UPDATE

The Executive received an updated report on the General Buller statue, an earlier report having been presented to the Executive on 12 January 2021 (minute reference 5/21 Refers) . Recommendation 2.2 of the 12 January report had read “that without prejudice to a final decision on the matter, an application be made for listed building consent for the relocation of the statue to an alternative location. This will provide an opportunity for public consultation on the proposed recommendation by the Task and Finish Group prior to a final determination of the matter by Council”

The updated report requested Members to withdraw their support for recommendation 2.2 in the 12 January report, following a subsequent announcement by The Rt. Hon Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government, about legislation to ‘call in’ and potentially overturn any such formal planning decision about a statue.

Members noted that it was not therefore the intention to remove the statue.

RECOMMENDED that Council:-

- (1) withdraw recommendation 2.2 of the report that went to Executive on 12 January 2021 and that the application for listed building consent for relocation and the formal consultation now not take place; and
- (2) approve all the other recommendations in the 12 January 2021 report, which remain unchanged.

24

NEW OFFICE FOR EXETER CORN EXCHANGE

The Executive received the report which detailed the opportunity to create a new office to accommodate the staff engaged in the management and administration of Exeter Corn Exchange. The current venue office was not currently fit for purpose and presented a number of accessibility issues.

Members noted that the venue office would provide future opportunities for increased income, partnership working and hosting of other Council services as well

as supporting the business environment in that part of the city. Members also noted that a street level presence would increase visibility from passing members of the public.

RECOMMENDED that Council approve:-

- (1) the use of the vacant retail unit at 89 Fore Street as a public facing office/box office for the Corn Exchange; and
- (2) the removal of the rental income requirement within the budget of Corporate Property Estates for this unit.

25

PUBLIC SPACES PROTECTION ORDER RENEWAL

The Executive received the report on the renewal of the Public Spaces Protection Order 2017 (PSPO) which was due to expire on the 20 June 2021, for a further year, following a review and consultation.

Members noted the data from the Police logs Exeter Business Against Crime Partnership on the anti-social behaviour complaints and the impact they were having on the quality of life of residents.

Particular reference was made to letters of support from the Devon and Cornwall Police and Crime Commissioner and the Chief Constable Devon and Cornwall Police.

Councillor K. Mitchell, speaking as a group leader, welcomed the report.

RECOMMENDED that Council approve:-

- (1) the renewal of the Public Space Protection Order (PSPO), on the existing boundaries as shown in Appendix A of the report presented to the meeting, for a further one year period from the commencement date of 20 June 2021;
- (2) delegated power being given to the Service Lead - Environmental Health and Community Safety to authorise staff within the Environmental Health and Community Safety Service to be able to enforce the prohibitions of the PSPO; and
- (3) the continuation of the current policy of funding received from fixed penalty notices issued for a breach of any PSPO to be ring-fenced for initiatives to address anti-social behaviour and that the Exeter Community Safety Partnership continue to administer the funding.

26

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

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

27

TEMPORARY EXTENSION OF THE COMMERCIAL MANAGER POST

The Executive received the report to extend the Commercial Manager post for a further two years, to manage various contracts within waste and recycling and a wider range of commercial projects.

Particular reference was made to the value of this work in enhancing the Green Agenda of the City Council itself and those of the participating companies.

RECOMMENDED that Council approve:-

- (1) the extension of the Commercialisation Manager post for an additional two years, from April 2021 to March 2023; and
- (2) the review of the role and outcomes of the post in March 2022, to determine the continuation of the post.

28

CULTURE, LEISURE AND TOURISM, BUSINESS CASE, INCOME AND COVID-19 RISKS

The Executive received the report which provided Members with information on the cost and how services would be delivered, following the decision to bring services in house. The report highlighted the pandemic related risks and proposed permanent structure.

Members noted the benefits and risks in bringing the service in-house and recognised the challenges being faced by the leisure sector in general.

RESOLVED that the content and risks posed by the pandemic as outlined in the report presented to the meeting be noted.

(The meeting commenced at 5.30 pm and closed at 6.38 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.